

Lowell Zoning Board of Appeals Minutes

May 11, 2020 6:30 P.M.
Held Virtually Using GoToMeeting

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 McCarthy, and Member Briere

Members Absent: Member McCarthy

Others Present: Jared Alves, Senior Planner

Due to the state of emergency during the COVID-19 pandemic, the meeting was not held in-person. Access was provided using the GoToMeeting platform.

Chairman Perrin called the meeting to order at 6:33pm.

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 has applied to the Zoning Board of Appeals for Variance and Special Permit approval to convert a vacant first-floor commercial space into a housing unit, thereby converting the property from a 1-family home into a 2-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

Mr. Rodriguez said the first floor has access directly to the street. it is over 800 sq. ft. It is a separate floor with no connection to the unit above. This is a unit that at some point that was used a furniture repair store. There is evidence of a half bath that was in place. The proposal is to make the unit a one-bedroom or a studio. Last time he presented; he was asked to provide updated drawings. He is showing them now. There were two main items, the prior item did not have the solid black line that demarcates the property line. The surveyor added a parking spot adjacent to the building. The Board asked for a spot that would be parallel to the passageway that leads to the house in the rear of the property. This is the update. The other ask was to look for additional parking. It's very difficult. He is on a waiting list for

the church. There is another house about 3-400 feet further down Whipple Street with a garage, but they are full. Outside of that, the only other parking is the parking that is required for the facility or building. He is asking to get granted for approval to make this residential unit with addition of one parking unit. He is willing to answer any questions.

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

Member Callahan thanked Mr. Rodriguez for presenting and said they are at the finish line. They got the space configured in where he wanted. They are not encroaching on the passageway, and are staying away from the property. He appreciates that they reached out to try to get other parking options, such as leasing. It sounds like that's a work in progress. He is on the waiting list for the church. They are making every effort. The Back Central area is very tight in parking. He is comfortable with the new configurations.

Member Briere asked if the space is compliant.

Staff said that it appears to be 8x18'

Member Briere said that he supports the project.

Member Pech thanked Mr. Rodriguez for the updated plans with the parking. He appreciates that they are looking for off-site parking. He is in favor of the project.

Chairman Perrin said the applicant has done his due diligence. He has done what the Board asked. It has been a long road traveled. These are concerns that come into play with the Zoning Board. As of late, they are having increased petitions in Back Central. It's a plus. That part of the city is being revitalized. People are investing. Taking ownership of their community. That's a positive. He appreciates his efforts.

Motion:

S. Callahan motioned and V. Pech seconded the motion to APPROVE the Special Permit under Section 12.1(b). The motion passed unanimously, (4-0).

S. Callahan motioned and M. Briere seconded the motion to APPROVE the Variances under Section 5.1 and 6.1. 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.

Speaking on behalf:

John Geary, Applicant's Attorney
Peter Marlowe, Marlowe Building & Design

Mr. Geary, said he is representing Jose and Maria Ribeiro. The owners are present remotely. Peter Marlowe is also present; he consulted with the owners and handled the initial filing. His clients reside in 145 Woburn street as their principal residence. It's located within the TTF zoning district. It currently has eight off-street parking spaces servicing this property. He submitted a plot plan and elevations. His client immigrated to the US from Brazil back in 1980. He settled in Lowell and raised three children. Previously the property was in disrepair and had reputation for drug use. Since their purchase, they have extensively renovated both structures. The Ribeiro's also own two other properties in Lowell. Mr. Marlowe handled the construction of 26 South Street and is working on the redevelopment of the Middlesex Street project. In June of 2019, a building inspector inspected the two-family dwelling. He determined that the third-floor unit was illegal. They vacated it immediately and are seeking a special permit to legalize it. He believes it meets the criteria for a special permit.

Mr. Marlowe said that he met Mr. Ribeiro about five years ago when developing the Route 38 Bridge Street corridor. Mr. Ribeiro liked his work. After getting to know him, they are just trying to do what is right. Have a list of permits going way back. There is a big language barrier. He truly believes that they always tried to do what is right. When they bought the property, it had an apartment on the third floor. There was a small apartment up there. Pulled a permit to install a new kitchen and bathroom. They also expanded the dormer under that permit, which maybe shouldn't have been done. They have permits for all of the driveway.

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

Member Pech thanked Mr. Geary for the narrative. The project makes sense to him. He feels comfortable that they are trying to do the right thing now. Overall, he is working with a great builder who has done a lot of amazing projects. He doesn't have any real concerns.

Member Briere thanked the applicant for his investment in Lowell. The applicant made a wise move working with Mr. Marlowe. With Mr. Marlowe's expertise, he thinks it adds a lot of value to the petition. Only question, listed in the comments from DPD where they speak about the emergency escape and rescue mode.

Mr. Geary said that egress is in place, stairway off the back of the house leading up to the third floor. Renovations did not rise to the level where a fire suppression system would be required. Property has smoke detectors and carbon monoxide detectors.

Mr. Marlowe said that he walked through the property with Commissioner Fuller. There is a set of stairs with egress to every unit. He doesn't believe sprinklers are necessary because it's an existing structure, it's not being gutted.

Member Briere said that Mr. Marlowe has answered the question satisfactorily. The building is compliant without sprinklers as it stands today.

Mr. Geary said he believes so.

Member Briere said he does too. He supports the petition.

Member Callahan said that he understands that they are trying to do the right thing. He said he is a little confused about the layout, as far as the basement, where the stairways go to... Its kind of. He is trying to figure out the egresses and is confused as to how it's laid out.

Mr. Marlowe said that with the first three pages, the building stacks the way it is. The front is on the left. The attic is a mirror image. That is incorrect.

Member Callahan asked about the basement.

Mr. Marlowe said the people on the first floor have access to the basement if they want. Brazilian and Italian families often have a kitchen in the basement, especially for simmering in the summertime when it's hot.

Member Callahan asked if a rental unit.

Mr. Marlowe said it's not. The basement is part of the first-floor unit.

Member Callahan said that may be the source of his confusion. Now it makes more sense that the basement unit is not a separate apartment. He would agree with this Special Permit.

Chairman Perrin said he appreciates the update no the mirror image on the drawings. It does explain it much more clearly. He asked John Geary to provide a revised drawing to reflect what Mr. Marlowe described.

Mr. Geary said the only issue was the third floor. It's shown in reverse of the other floors. Everything is there as the unit exists.

Chairman Perrin said only four members are present, so 4-0 vote is necessary for approval.

Motion:

S. Callahan motioned and V. Pech seconded the motion to APPROVE the Special Permit under Section 4.5.2(1). 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-unit residential building into a six-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.

Speaking on behalf:

Harrison Bonner, the Applicant

Mr. Bonner said that approximately 9 months ago he purchased the building with his business partner. He owns a redevelopment company and is a licensed contractor. This property was neglected by the previous owner. There were severe structural concerns, which is one way it caught their eye. That is their business model. This property was an existing five family and they were told by the previous owners that it was converted from a six family to a five family. They did that by opening a doorway to make a large unit for a family living there at the time. That was in 2011. He hopes to convert the property back to a six family. He has been working on the property as a five family to address structural concerns and update plumbing/electrical issues. At the end of the day, the building will have all new electrical system, all hardwired smoke detector, new fire alarm system, hard piped sprinkler system. Right at the point of deciding whether to stay at five or go to a six. There were comments about parking. There is a paved area at the rear of the property. It doesn't have marked spaces for parking. There is room for approximately 5-6 cars. The paved area takes up the entire remaining lot space. They do not plan to change the footprint of the building. They are only planning to close in the doorway and add back in a kitchen and bathroom. Reconfigure it to make a more livable apartment.

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

Member Callahan asked staff about the necessary relief.

Staff said that only Special Permit would be needed.

Member Callahan asked about the parking. He said they would likely condition a new plot plan with dedicated parking spaces listed. Other than that, this project makes sense. It is a nice layout for the way the units are laid out. It could work as a six-unit building.

Member Briere said he likes the project. He asked Staff about the parking.

Staff said that the type of Special Permit does not require the applicant to meet the current parking requirement, but that the Board can consider the effects on transportation from the project.

Member Pech said the project is feasible. It used to be a six-unit home. They opened a wall; they are

just trying to change that wall. He feels similar about parking. There is a paved area on the lot that holds 5-6 spots. This property is located in the Back Central neighborhood which is a very dense neighborhood. He would like to see more parking. He doesn't know where that would come from. He also believes that in this health crisis, and if meeting at the regular chambers, then others may have come to ask that question. He asked about the possibility of parking, leased parking, etc.

Mr. Bonner said he would love to add more parking spaces if they had more space on the lot. The ability to add space would not be a possibility. In terms of leasing spaces, he hadn't considered it. If units 1-2-3 have cars, then they could lease the spots as an additional provision because the other two units do not. It's a great idea to try to figure out how to mitigate some of the transportation concerns. He is open to suggestions.

Member Pech said he would like to see a thorough parking or transportation plan, whether that includes maybe leasing. It is a very dense neighborhood. If they were meeting in person, they would likely have people coming in to ask about it. He lives around the area and he knows that parking is at a premium. He would like to see a lease or off-site parking.

Chairman Perrin asked if there is an opportunity for leased spaces. Any type of public garage is not feasible. He asked if there is any option with business or unused spots to consider.

Mr. Bonner said he could talk with local businesses that could potentially be leased to tenants of the building. He would want to think about it and come up with a comprehensive plan to present to the Board or the transportation department. There is an ability to come up with something that makes sense. He asked if Member Pech would seek a continuance.

Member Pech said he would like a continuance to come up with a more complete parking layout and plan with another option to lease to lease from 3-4-5 spots off-site to relieve any parking concerns.

Member Callahan said that seems reasonable. Really would like to see the layout on the plans. He asked how many cars they could fit. He would like to see a landscape plan. Get a little more information. Could look into leasing other spaces. It's a tight squeeze in Back Central. Have had numerous of these projects. Back Central parking has been a big topic. Might be beneficial to Mr. Bonner and the Board to have that information.

Member Briere said he has been satisfied with the comments from his colleagues. He would support a continuance.

Chairman Perrin said that Mr. Bonner has heard the comments from the Board. He recommended a continuance to the next meeting. He ensures that due diligence to find leased spots. Shows community and public that they are doing what they are required to do.

Mr. Bonner said he is open to a continuance. He asked for the meeting date.

Staff said the next two meeting dates.

Mr. Bonner said he would work on a new plan showing the spaces. Regarding landscaping, there is no availability for any green-scaping, even the front is all pavement. He would love to add some trees. Can definitely put together a comprehensive parking plan.

Chairman Perrin said they would like materials 10 days in advance prior to the May 28 meeting.

Motion:

S. Callahan motioned and V. Pech seconded the motion to continue the hearing until the May 28, 2020 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: **Sections 6.1.4 and 9.2.5(3)**

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-Used (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.**

Speaking on behalf:

Catherine Flood, Applicant's Attorney

Ali Kurokawa, Isgenuity, LLC

Martin Batt, Isgenuity, LLC

Brian Monihan, Emerson 100 Real Estate, LLC

Steven Monihan, Emerson 100 Real Estate, LLC

Ms. Flood said she is requesting Variance approval for conversion of a vacant mill building into residential units. The building is located in the DMU district and artist overlay district. It requires a Variance under Section 9.2.5(3) for one-bedroom units smaller than 750 sq. ft., 17 units fall under the minimum. They also need a variance under 6.1.4 for parking. Back in 2014, a previous owner obtained approval to convert into 13 apartments with 14 spaces, per Planning Board approval. At the time, the Board said it complemented the master plan. In August 2018, the applicant separated 246.1 Market Street. It is shown as Lot D on the plan that they submitted with application. The revised floor plans from April 6, 2020 show floor areas ranging from 580 to 935 sq. ft. Some units have mezzanines that can be office or artist studio space. There has been a trend toward smaller units. They make it more affordable to live and work in the city. They are attractive to young professionals, couples, seniors living around, or parents looking to downsize. It's an affordable option for growing population subject to rising housing costs. Units are larger than recent project on Middlesex street, which average 450 sq. ft. There would be laundry and trash recycling rooms in the building. The applicant seeking variance under 6.1.4 for off-street parking. They would need to provide 29 off-street parking spaces, one per unit. The site does not have sufficient space to accommodate 29 spaces. They have obtained corresponded from the City Parking Director that spaces are available at Leo Roy parking facility. Removing parking from on-site is better for the entire development. Access is tight off of Market Street. To avoid vehicles traveling to and from the building is beneficial to other residents. It creates a safer and more walkable environment. They have incorporated safety measures, curbing, buffering landscaping, no parking sign and load/unloading only sign. Since the building will not have any on-site parking, they will have an interior bike storage and out-front bike rack. They have a hardship based on the location of the structure on the parcel. Relief can be granted without substantial detriment. They will need to appear before the

Planning Board to get a Special Permit under Section 8.1. Also present, the architect would like to discuss the changes.

Ms. Kurokawa said she is an architect with Isgenuity in Boston. Mr. Batt and her have had the pleasure to held develop the site. It is sitting in prestige condition waiting to be rehabilitated to its real majestic form. She presented a rendering of the vision that they have helped put together and depicted the goals of the project. Brick and beam and wonderful windows screaming to be preserved. That's what they have done. Reinvigorated the entry area. Some hardscaping and soft landscaping to help buffer the zone. Have bollards to provide safety bordering. Other drawings have exterior bike parking spaces. Envisioning to rehabilitate the existing façade back to its original beauty. On page 3, they have a site plan. 246.1 is located and nestled within the corner adjacent to the canal place buildings. It's setback a little bit from the inside corner. It's a little congested. They have an opportunity to provide nice buffering of hardscape and landscaping. The side alley way space. There is a slope to the existing area. Have the opportunity to provide a path, a sloped walkway with a handrail and a stair space. There is an adjacent parking facility about 500-ft. away. She presented the exterior elevations. To the back elevation they are adding nine new windows within the style reminiscent of the area. The side facing the alley doesn't have much fenestration although there is an existing door up high. An idea to brick it up to match the existing façade. She presented the floor plans. The rear area would provide 280 sq. ft. for indoor bicycle storage. They have addressed comments regarding common area support spaces. There will be space for communal mailbox, lobby furniture, proposing within the core area have new stair and an area for recycling, trash, and package delivery holding on each floor. Also have an elevator within the core. Spaces allocated for various engineering infrastructure. Typically, they are one-bedroom units. She walked through the unit layout. She noted that the square footages on the plans only include the living space. Adding up the square footage for the entire rectangle will be larger. She described the mezzanine functions. Said they worked hard to address the support spaces that staff asked about.

Mr. Batt said that his colleague captured the project well. The project is unique because it takes historic nature of the building, windows, and structure and by arranging the units as they have, they have tried to maintain the integrity of the building. The loft spaces have large double height windows in their living rooms. Tried to be minimally invasive with the exterior of the building. Creating artist lofts and those sort of spaces, fits well with the type of thing that would be desirable.

Ms. Kurokawa said in the alley, they are proposing to cut in a building entrance onto the side that will be more private and could be used for ins and outs of packages and tacking out trash. Grand entryway to get into the building, plus two apertures, side and back.

Speaking in favor:

None

Speaking in opposition:

Paul Olivet, 200 Market, 3402
Craig Himmelberger, 200 Market Street
Elaine Wood, 200 Market Street
Mary Hart, 200 Market Street, Unit 206
James Wilde, 200 Market Street, Unit 620
Susanne Beaton, 309 Market Street
Sally Coulter, 200 Market Street, Unit 611
Jim Coulter, 200 Market Street, Unit 611

Connie Mortara, 200 Market Street, Unit 119
Sylvia Cowen, 200 Market Street, Unit 605
Angel Haines, 200 Market Street, Unit 403

Mr. Olivet asked about the location of air conditioning and mechanicals.

Mr. B. Monihan said they would like to maintain the integrity of the roof. The strategy is to utilize the space within the building to embed that equipment within the lowest level. To provide ventilation to the building. Thought process is to provide a small partitioned area adjacent to the little dog house on the top and have a couple condensing units with an enclosure to keep the sound. Thoughts about having potentially some sort of green roof. That would be a future vision. Would need to talk to Historic. Don't want to load the roof with tons of equipment that can be seen from the adjacent building.

Mr. Himmelberger said he would like to speak in opposition on a number of points. The neighborhood supports developing the building. It has a lot of visual advantages and everyone wants to see it improved. The amount of undersized rental units is out of character with the neighborhood. 17 of the 29 units are undersized, some by almost 30% of the bylaw. 9.2.5 grants Special Permit up to 50%. Because 17 is greater than 29, then is there authority to ignore this section of the bylaw. It appears to him that the Special Permit is only allowed up to the 50% limit. Regarding Section 11.2.3, allowing variances if all area satisfied. He questions the special hardship. Would need to be due to the soil conditions, shape, topography of the building. Can't see how a rectangle creates a hardship. Non-specific concerns about the topic of public good whether proper accommodation of waste disposal. Trash needs to be brought out to the front of the building.

Ms. Wood said she is concerned about the trash area. Her building has a wide area in the front, a caged off area for dumpsters. They have problems with 119 units having enough room to put their waste out without having it overflow. She cannot imagine having 29 more people's trash. All that trash could cause a health problem. The rodent population in the past year has increased. The drawing doesn't show Canal Place III. It is very dense. Would like to see the building beautified, more than 10 units would be outrageous. She has an issue with parking/unloading. People receiving packages. People moving. There will be vehicles. Canal Place I require all residents to use the back door which is adjacent to this. This isn't even the size of a regular city street. It is very narrow. The pictures do not reflect how small an area we are talking about. See this is a very risky thing. To put more people there will be more vehicles. Deliveries, moves, there isn't enough room. Also used a throughway for people cutting in through Market Street. People go through this area who don't live here. Have lots of traffic and trash issues. The original 13 units sounded good. Now it sounds like a nightmare.

Ms. Hart expressed her objections to redeveloping the parcel. In her several years living downtown, she has seen various changes and improvements. She is committed to downtown Lowell. Empty shells of the Canal Place area are of concern. This particular project while starting out quite positively as 13 high end condominiums has changed to 29 rental units with a fair number below code size. This is a huge shift. Bringing many more households into an already congested area. Rental vs. ownership presents challenges for owners. Including noise, trash, rules ignored. Renters who just don't care or their guests. She has invested in her property for her retirement and would like to keep the value of her ownership. The Zoning Board has the opportunity to vote both variances down and vote in favor of the nearby owners. Substandard apartment sizes, crowding, and no parking are not in the best interest of the neighborhood.

Mr. Wilde said that he lives in top floor unit overlooking the roof of the building. He would be most affected visually. He is disappointed to see this turn of events. The original proposal with indoor parking and fewer, bigger units was very attractive. He was assured by developers that there would be zero items on the roof. The plan was to install solar panels. Anything on the roof is inches from his window. He would be Greatly affected by sound and noise. Some units in contained area is concerning. Agrees with what everyone else has said about parking. Door used for Canal Place I is used extensively for people moving in and out. Also new 900 car garage that will be open by this time. Those people may cut through instead of going to Dutton. There are way too many concerns. It's way too dense. Lots of small units and they will all be rentals, even if sold as condos. They are investor units.

Ms. Beaton said she supports everything that Mary and Jim said. The original proposal was great.

Ms. Coulter agrees with Mary, Jim, and Craig. She is concerned about the density of the units. See mezzanine units as two-bedrooms. Not a lot of storage. No closets. Will see a lot of traffic as rental units. Additionally, the mail issues... going to have mail trucks. Not sure where the trash will be picked up. It's a density issue. Everyone is happy to see the empty building get redeveloped. But too many units.

Mr. Coulter said that the traffic has been addressed. It has been understated. There are times now when you can't drive into the area. Would like to have the Board ask the Fire Department to evaluate how safe this will be. School buses park there when Head Start lets out. Even now it's bad. People will want to drive there when dropping off groceries. There will be a lot of traffic.

Ms. Mortara said she submitted written comments. Reiterated that fear with such small units that will have more transient population with no investment or accountability to neighborhood or building. The Zoning Board must consider neighborhood. Families with children and grandchildren. Want to invite more people without adversely impacting their quality of life. Question about shared elevator shaft. As abutters, it's pretty loud and rumbly. Doubling the number of folks using the elevator, needs to be consideration for mitigation of the noise. Reiterated what Craig mentioned, but she doesn't see the special hardship to make it necessary to go from a 13 to a 29 unit other than investment. Finally, as far as the shared egress, it looks very lovely, but from a practical point of view that's where people will be moving their goods in and out of both buildings. That won't work. It's already a nightmare. It looks lovely. She supports fixing this building, but want to build a future and a community and not just a transient living situation.

Ms. Cowen said she agrees with Jim and Craig. Her concerns are similar in terms of the density. The rental units of the building and lack of consideration of the community. They have very beautiful old structures here. Would like to preserve them. Concerned about traffic and parking and issues of garbage and noise and elevator use.

Ms. Haines asked about the shared entryway. She wonders whether Canal Place I would need to have security on each level.

Discussion:

Member Pech said it is a good repurpose of the mill building to convert it into livable units. He has some concerns in terms of the scale and size of the units. Some people have mentioned... he likes the smaller scale plan of the original 13 units. There are a bunch of concerns. He shares some of those concerns as

well. For the ground level, he asked if the applicant could speak to parking, bike storage, mail and packaging. Units share a wall, asked about sound and privacy. He is concerned about the actual number of units of 29.

Ms. Flood said that the architect Mr. Batt can address the issue regarding the density pertaining to the old plan with 13 units vs. new plan. He can address the concerns and questions raised by the building department pertaining to the sound.

Member Pech said that would be a good start.

Mr. S. Monahan said they legitimately understand he concerns. It's a tough project and a difficult site. If it was easy it would've been done 20 years ago. They put a lot of time into this. 13 units will not work for this building, based on the original drawings. They just don't work. They have taken that original drawing and brought in a good team to bring in a better drawing and vision for this space. They are no longer using the shared stairwell. Security is no longer an issue. They no longer are using the shared elevator. Have own elevator and stairs. There are approximately 3-ft. of brick between the buildings so noise is not really an issue. He understands that traffic is difficult, but he doesn't believe they will create any more traffic than there already is. Looking to mitigate traffic.

Chairman Perrin asked Mr. S. Monihan to elaborate on why 13 units don't work.

Mr. S. Monihan said they would be putting 14 cars in and out of the building on a day to day basis on the first floor. The numbers don't work for the building.

Chairman Perrin asked if financially.

Mr. S. Monihan said financially is just doesn't work. He has had four developers look at it. Mr. Batt can elaborate it further. The way the drawings were made didn't account for the windows. They were cutting windows in half and splicing floors halfway through a window. There was no vision or thought process. Solar panels on the roof, it's a great idea. There were no provisions for mechanical equipment on that roof. Understands where tenants are coming from with noise. Not talking about putting 29 air conditioners on the roof. High efficiently VRF system with 2-3 pieces of equipment on the roof nestled next to the head house. On the trash issue, Mr. B. Monihan and he discussed it. It's a tight site. They don't want to put a dumpster out front. It's not that kind of neighborhood. The trash needs to be taken out. A service will do so as needed. Smaller trash truck that would remove the trash by hand and valet it out of the building, similar to what happens at 200. They come by with a pickup truck. With parking, will need vehicles to come and go for mail and parcel service. That is going right now with the existing properties.

Mr. Batt, said their approach was... it's a relatively modest building in the complex. It has a certain volume. The way to create the sort of ideal layout for this particular building lends itself towards smaller apartments. The addition to 13 two-bedroom apartments, which is 26 sleeping rooms vs 29 individual apartments, knowing that moved parking off-site. The idea of bringing right through the front area didn't seem tenable. Tried to think about the optimal use of the building. Will be significantly.... not a significant number of additional people occupying this building on a day to day basis based on the volume of it and the number bedrooms. When FedEx truck arrives, it will come whether for 13 or 29, it's still one trip. With trash truck, it's still one trip whether 13 or 29 units. He discussed the sound proofing and the stairs. They are not sharing an elevator. Felt like the changes they made would not materially

impact it based on the number of units. Took structure and architecture and celebrated it. Units with double height living spaces. There will always be service to this building. Understands that with 29 units, there may be more grocery drop-offs. That may be once per week with additional cars. Maybe 13 additional cars once per week over the original. Felt like this was a nice solution tot his particular development.

Member Pech thanked the applicant for answering his questions. he understands the need to scale up from 13 units because it's not feasible financially. He thinks that 29 units is too much. Heard applicant say it won't affect number of trash pickups and deliveries. He disagrees. It will probably be double, might need more frequent trash service for 29 units. Same thing with deliveries. His biggest concern is the number of units. Everything mitigated if reduce the units.

Member Briere said it goes without saying that it is a good repurpose of this building, even those who spoke in opposition said they would like to see it utilized to its best possible use. Density is absolutely the concern. It's a real concern. The way the proposal is presented, how many bedrooms are in the building.

Mr. Batt said that there would be 29 bedrooms.

Member Briere said that DPD comments noted that there would be 17 one-bedroom apartments and 12 one-bedroom apartments with mezzanines. Floor plans categorized the mezzanines as bedrooms.

Ms. Flood said that those were the original plans, but the plans were not supposed to show bedrooms in the mezzanines. It should have said mezzanine/artist work space. They are not two-bedroom units.

Member Briere clarified that there are 29 bedrooms.

Ms. Flood said that is correct.

Member Briere asked about the natural light to the bedrooms. He asked if there is an issue with little to no natural light.

Mr. Batt said that one of the things that is complicated about this particular building related to development as a residence is the size and shape of the historic windows. Relatively common to use one large window to provide natural light to the entire building. The idea of a bedroom as an enclosed space... very, very typical even in downtown Boston, where bedroom doesn't have designated wall with exterior window but opened to a space that does. They are code compliant.

Member Briere said that is similar to 27 Jackson Street and the mill renovation. The old code with a window in every bedroom doesn't apply when renovating large mill buildings.

Mr. Batt said it applies but not if it's an enclosed space. Had code consultant reviewed the drawings to ensure compliance.

Member Briere asked how they define their special hardship.

Ms. Flood said that the hardship is the location of the building and the shape of the building on the lot makes it very difficult to develop, which would be a hardship in the building.

Mr. Batt said the historic nature of the building is also a hardship.

Member Briere asked whether the hardship is the construct of the building itself.

Mr. Batt said his belief is that when rehabilitating a historic structure and trying to celebrate the historic history of the building, that there are certain hardships that exist relative to historic buildings. These hardships warrant them to be granted more potential relief than a new building. That translates into the size of the windows, shape of the windows, size and shape of the structure. Trying to maintain historic nature of the building is the hardship.

Member Briere asked if they can maintain the historic look with less density. Less units.

Mr. S. Monihan said that's the elephant in the room. How many less units. 29 units fits perfectly in the little envelope. The adjacent residents have concerns about density. He understands where they are coming from. He will not disrespect their concern. He doesn't see how they can go fewer units. They could take away the mezzanines.

Mr. B. Monihan said that looking at each one of the units, can't see the columns. The columns are one of the main governing factors for how the units are placed. To make it all efficient, it has to work with the column system. That goes back to Mr. Batt's point about how each unit fits in such a way to work with the building, the windows and the bathrooms. It allows independent egress separate from the other buildings. The drawings done prior with large lofts. They were cut up and convoluted. It didn't flow well. Neglected basic services: trash handling, accessing the building. Took a look at this again. Every developer looked at the 13 units and said it couldn't be built. Tried to see a sweet spot that enabled project to get built while keeping the historic look. Spend a lot of time trying to make these spaces flow nicely and work with the structure of the building. Regarding earlier concerns. When looked at the roof, the solar panels would need to be 2-3 feet off the roof. That would've been in view of the other windows and would have increased heat and reflection. Considered alternative, green roof. Noise was a concern. Didn't want to have condensing units. Know there's an air chilled condenser in the adjacent building. Flow of traffic, know that they need to maintain fire department access. Nothing saying they couldn't create a walking pathway, raise up the street a little bit. Slow down traffic... one-way, limit to emergency vehicles. So many opportunities. Plenty of parking garages. Trying to sell a loft condo for 400-500K in the city of Lowell, will not be attracting affordable housing. Wanted to balance what providing with something really nice and beautiful. The bollards... if too close to the adjacent building, can adjust it. This is just a concept. It has to go throughout the city. Not going to subvert any process. Regarding the elevator, they installed a separate elevator. Could have use the freight elevator. Had rights. Opted to separate the building, including the stairs. Reduce noise. The building separation increased; residential units are not along the shared wall. As far as the closet space, it might not be optimum. That's a fair assessment. Looking it as a couple, or young professional, closets they laid out were sufficient based on what Mr. Batts' numbers show for these types of buildings all around Boston and Massachusetts.

Chairman Perrin said that he appreciates the fact that Mr. B. Monihan wrote down the concerns. He has answered three of his seven questions.

Mr. B. Monihan said he lives in the textile museum where the Lowell Sun is. He knows what it's like to live in loft living. He takes out his trash and brings it out the back. They need a trash service. Will need to

have trash removal every day or couple days. It would be small. Without neighbor's support it will take a long time for this building to be realized.

Member Briere said he appreciates the responses and defers further comment.

Member Callahan commends the architects. This is a nice design. Everyone here agrees that this will be... building needs to be repurposed. Doesn't see any disagreement on that. He is struggling with the number of units. To Mr. Monihan's point, the prior layout... although looked great to have parking in the bottom. It probably wouldn't fit and might be a little dangerous. The prior layout... it didn't configure very well. Cobbled together like a jigsaw puzzle. He can understand trying to repurpose this and utilize the building structure and windows. He is struggling with 29 units. The variance they need to grant, 17 units under 750 sq. ft. threshold... when should be granting 50% if possible. Struggling with this. It's here a hardship, with the building and the age of the building and the structure with regards to the pillars. He can imagine it's an old mill building. Would like to see the pillars. Can see that's partial hardship. Public good, having it repurposed would help the public good. Intent of zoning satisfied is where he is stuck. Intent of zoning regarding the size of units. There is a reason why the code established 750 sq. ft. as the minimum. That is where he is struggling. Petitioner has done a great job presenting it. He needs something more.

Chairman Perrin said he would like to hear... a resident asked about fire department access to the rear of the building.

Mr. Batt said access is the same as Canal Place I and III. Area in front of the building is route that they would need to take, whether it's a 29 unit or different number building. It is exactly the same. Would need to work with the Fire Department and go through the entire process. That's part of any development. They are not limiting the access anymore than what it is today.

Chairman Perrin said that he agrees with Martin. He noticed the accessibility for the fire department was parallel and equal to Canal Place I and III. They have walked through many of his notes. Trash is one of the sticking points. A gentleman referred to a trash valet. That is unique. It might be daily. Acknowledged Mr. B. Monihan's interest in preserving building cleanliness. Deliveries downtown Lowell... it's a contact sport. There are designated areas throughout the city. This property is no different. FedEx, UPS, Amazon Prime... whether in front of this building or on an adjacent street or double-parked. That is an ongoing issue from now until cars are no longer part of our society. As relates to moving of residents, that applies the same to Canal Place I and III as any residential area. People are going to move, going to park as close as they can. That goes with any living space. He was pleasantly surprised and pleased the effort by the petitioner on the elevator and the stairwell. Those are two points that he heard echoed from the residents regarding noise and disruption. As far as he is concerned, if Emerson 100 is incurring a cost of elevator primary and not use... that is a positive. He asked for a little more understanding or clarification regarding a shared entryway as an egress and security.

Mr. Batt said there is an existing stair that Canal Place I have access to. That stair is in the footprint of their building. They have rights to it, but they have chosen to not exercise those rights. That stairwell will remain completely separate, knowing that they could use it to create two code compliant means of egress within their own footprint. Trying to limit their impact on their neighbors. Inevitably development will have an impact.

Chairman Perrin agreed. There won't be a negative impact on the egress.

Mr. B. Monihan said that stair is deeded to the turbine building it is owned by the them. There are agreements in place with the adjacent property to utilize it. That's okay. It has been that way forever. Why disrupt their existence, having their own stair system and elevators. Won't cause any kind of chaos with current residents.

Chairman Perrin appreciated that information on the right of ownership. He looks at this project. He has reservations on 29 units, but also looks at Canal Place I and III. The city is dense in the downtown. The city has a master plan. Development forthright into the future and becoming an innovative walkabout downtown. We go about the city as some residents and businessmen do, want to be the next Cambridge, Boston, Waltham. With these changes and growth are growing pains. They have been since the first home was built in the city of Lowell. The downtown is always going to be dense. The future owners and inhabitants of these units are not going to be dormitory types. He doesn't agree that it will be a transient population. Everything is being scaled downtown to city... young professionals, empty nesters moving from larger homes in other parts of the city to the downtown. There is a unique market for it. He hears the concerns, the elephant of the room 29 units has concerns for his colleagues. He understands the financial risk and reward of any developer. Repurpose of this building is phenomenal, wouldn't see anything other than a residential development. Can see that 13 units is not palatable. No one goes into business and development to not make money. Have addressed the concerns of the board. Developer is taking the risk for us. People bringing projects to our city and advance the master plan. These are the aches and pains that come with these types of projects. Have the weigh out the negatives and the positives. He sees more positives. Spent three years of thought process, development, brainstorming... Scaling considerations. All of his questions and concerns have been answered.

Member Briere said he has no further comments. He is prepared to vote.

Member Pech said that the Chair makes a lot of great points, but let applicant know that he still has a lot of concerns and reservations. He is not here to dictate the number of units. This has to scale down. If this is the final product, he wants to know that he will not be voting in favor.

Member Callahan thanked the Chairman for his comments. He said he is still up in the air. He's not hung on 29. he would like to see if the number could be worked. Economically if it can't be worked... then so be it. Comments did help clarify things somewhat.

Chairman Perrin asked for Ms. Flood's thoughts on moving forward.

Ms. Flood said her client wants to work with the city. If the wish to try to reduce the number of units, it was brought up that there are supporting walls and beams. Architects would need to talk about it. She asked what the members are looking for them to do, combine a few units... Member Callahan said about 50% being under 750 sq. ft. Right now, ranging from 681 to 733 sq. ft. 27 would be under the 50%.

Member Callahan said they could eliminate the Variance and go to a Special Permit for the unit size if they combined or eliminated some units. Only remaining item would be parking for a variance. Assuming Special Permit would be granted by the Planning Board.

Ms. Flood asked if they could move forward with the Parking Variance tonight to avoid needing to come back

Staff answered a question about the Special Permit and moving it forward.

Chairman Perrin said that moving forward is beneficial to all parties.

Member Pech asked a question about whether they could just vote on parking.

Staff said they could vote just on parking.

Member Callahan said he would be comfortable with the parking vote. Most people understand that inside parking and more traffic would be a problem. He would be comfortable moving forward with the parking variance. The applicant still should look to reconfigure the units to get within the 50% threshold and then that would go before the Planning Board for them to consider. Might result in a reduction in units. If things can't work out, then they would need to return to the Zoning Board again.

Chairman Perrin said they could make a motion moving forward on the variance for parking. Afford clients opportunity to reconfigure and reconvene.

Ms. Flood asked about continuing the Variance for the unit size and voting on variance on parking.

Chairman Perrin agreed that makes sense to

Member Pech said he is comfortable with the process.

Member Callahan said he is comfortable with the process. This matter will stay on the Zoning Board's docket provided what occurs at the Planning Board. May need to deal with this at the next hearing.

Member Briere said he agrees.

Staff answered the dates.

Ms. Flood asked for continuance to June 8 for the Variance on unit size.

Motion:

S. Callahan motioned and V. Pech seconded the motion to APPROVE the Variance under Section 6.1.4. The motion passed unanimously, (4-0).

S. Callahan motioned and M. Briere seconded the motion to continue the hearing for the Variance under Section 9.2.5(3) until the June 8, 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.

Speaking on behalf:

John Geary, Applicant's Attorney

Mr. Geary said they are requesting a Special Permit to expand this property from 4 units to 6 units. The site presently consists of an enormous vacant structure. The property has been in disrepair for many years. He listed the materials that they submitted. He said they submitted exhibits of other homes in the area, including many multi-family properties. The structure easily handles six units. The units will range in size from 615 sq. ft. to 1,586 sq. ft. The parking requirement is 12 off-street spaces. The applicant has 11 spaces and is proposing to remove some shrubs to provide for the 12th parking spaces. The applicant anticipates spending \$480,000 to bring this property back to life. His client owns a few other rental properties in Lowell and has excellent reputation with building department and clients. The Board must determine that that the change is not more substantially determinantal than the existing use with the neighborhoods. Rehabilitating this property is consistent with Sustainable Lowell 2025, new clean, safe, market rate housing. Will have fire suppression system and will be de-leaded. Feel they meet the criteria for issuance of a special permit.

Speaking in favor:

Debb Rivet, 1164 Market Street

Doug Pelegrino, 1164 Market Street

Ms. Rivet lives opposite the house. They are doing a wonderful job. She is totally for the project.

Mr. Pelegrino said he spoke with the applicant many times. He is doing a fantastic job. Like his lawyer said there is so much room in the house. Would be great to bring it back to prestige condition. A wonderful idea.

Speaking in opposition:

None

Discussion:

Member Callahan thanked Mr. Geary for the presentation. He liked the way the units are set out on the floor plan renderings. One question from the Staff memo is regarding the parking. Layout includes stacked parking, DPD staff proposed an alternate layout.

Mr. Geary the issue with DPD's suggestion is that it would require quite a bit of site work. The Canton Street side has a dropped curb, that runs at least halfway up the street. It's common to almost any property on the street. Has been functioning this way for years and years. To incorporate DPD's parking design might make the redevelopment unfeasible from a financial perspective. His client would be inclined, if only use for a four unit would probably turn it into condominiums it and move on. As a six-family, he would remain the sole owner as opposed to four different owners with four different views. Parking plan would be difficult to incorporate into the plan to redevelop this property.

Member Callahan said they have concerns when stacked parking is involved.

Mr. Geary said that stacked parking would only be for two parking spaces. Those would be assigned to particular units. Would be happy to condition that if necessary.

Member Callahan said he would like to have that condition. Said it's a great presentation. Concept is laid out well. Would be nice to see the property redeveloped. Wished him the best of luck.

Member Briere a structure this beautiful deserves to be restored. Fully on-board. Thanks, the applicant for the investment.

Member Pech thanked Mr. Geary for the narrative. Like his colleagues, he agrees that it is a good project that will bring this property back to life. He asked about the twelfth spot and whether it's finalized.

Mr. Geary said that's what they need to do. His client is committing to doing it. That can also be a condition.

Member Pech said that would be perfect. This is a great project. Brings this property back to life.

Mr. Geary said that once the renovation is complete it will look similar to the property across the street. It's majestic.

Chairman Perrin said he agrees with his colleagues and councilor Geary. This property is a staple of that part of the city in the Highlands. It's beautiful. It has historical value dating back many, many decades. The current architecture is stunning. This is a value benefit for the entire city and an upgrade to the neighborhood. Much appreciated Mr. Geary's narrative and presentation. He appreciates the applicant's commitment to the city.

Motion:

S. Callahan motioned and M. Briere seconded the motion to APPROVE the Special Permit under Section 4.5.2(1) with two conditions:

1. Each pair of stacked parking spaces must be dedicated to individual units; and
2. The applicant shall work with DPD to reconfigure the parking to include a twelfth space on the Canton Street side.

The motion passed unanimously, (4-0).

ZB-2020-24

Petition Type: **Variances**

Applicant: **LandSmart, LLC**

Re Property Located at: **25 Marriner Street 01852**

Applicable Zoning Bylaws: **Sections 5.1 and 5.1.10**

Petition: **LandSmart, LLC is seeking Variance approval to demolish the existing home and subdivide 25 Marriner Street into buildable lots for three new single-family homes. The lot is in the Traditional Neighborhood Single-Family (TSF) zoning district and one of the three proposed lots requires Variance approval under Section 5.1 for minimum frontage and to exceed the maximum allowed front yard setback; under Section 5.1.10 for minimum lot width; and for any other relief required of the Lowell Zoning Ordinance.**

Speaking on behalf:

Kenneth Lania, Cornerstone Land Consultants, LLC
Dean Jenkins, LandSmart, LLC

Mr. Lania said that LandSmart purchased this lot in March of 2020. It's approximately 25,600 sq. ft. in size. It has 206 ft of frontage. It is located in the TSF zone. Currently, it has a single-family home on the parcel with a single stall garage. The property is off of Boston Road and just after the Foundry industrial park. The applicant is looking to subdivide the property and in doing so gain the ability to construct three single-family dwellings. They had a number of concepts for this development to try to determine the best way to fit three single-family dwellings on this uniquely shaped parcel. With the amount of square footage that the parcel has, as well as the frontage, three single-family dwellings should be able to fit comfortably on this parcel. Stuck with asking for variances for all three lots because of lot width or try to single out one parcel and work with neighbors to get best development for the neighborhood including the neighbor's input. On page 2 of DPD comments, could see how a development might shape up if meeting the frontage requirements for each lot, but other variances would be required for each individual lot. Due to uniquely shaped lot size feel they have a hardship. Decided to put one of the lots to the rear and leave two conforming lots up on Marriner Street. Have been discussions between the applicant/owner and a number of neighbors. Felt it better to have just two driveways onto mariner. One would serve lot one and the second would serve lots two and three. Each dwelling would have a two-car garage plus two spaces in the driveway. The parcels bounded to the west by a Mass Electric easement and property with powerlines. That adds to the hardship scenario and allows them to push the dwelling to the rear. Knows that one of the owners is on the line, Dean Jenkins. He has met with several of the neighbors. Most recently submitted a plan outlining some of the concerns of the closest abutters. Have worked with the abutters and have provided landscaping all along the eastern property line of lots two and three. Landscaping would be 6-ft. arborvitaes placed 9-ft. on center. Would landscape each individual lot's front area. Regarding DPD comments, have shown where proposing stormwater rain gardens and snow storage on each individual lot. Hopes board will vote in favor of this proposal. Single-family homes are needed in Lowell.

Mr. Jenkins said that they made sure that they moved house on lot #2 over as far as they could. Propose the house similar to one that he built on Manchester Street not too long ago. They could do a two lot ANR. For financial reasons, the two lots would need to have very large houses. For the neighborhood, he thought it would be better to go with three lots. The plans are such that that they are gable facing home with a garage coming in off the side for lots 1 and 3. For lot 2 there will be a gable facing onto Marriner Street and a garage coming off of the shared driveway. Had a lot of input from the neighbors. Noticed house behind them was a hammer head lot coming in off of Foundry Street. Ensured that the two front lots totally conform. He sent to Staff some letters from abutting neighbors who support the project. They want to make sure that they held their word. Want to make those items... landscaping, the like part and parcel of any decision.

Speaking in favor:

Dina Soliman, 20 Marriner Street

Ms. Soliman said she is directly across the street. The applicant worked very hard with the neighbors. We were tough on them. The original plans were not what they wanted. he worked very well with everyone to come up with something that we could all agree upon. What he has come up with would work best for the property.

Speaking in opposition:

None

Discussion:

Chairman Perrin said that Mr. Jenkins is always on top of his game with due diligence and always open and transparent with the neighborhood when he develops in the city of Lowell.

Member Pech echoed the sentiments of the abutter and the chairman. Mr. Jenkins did the right thing. He has enough land to subdivide and construct three single-family homes. he thinks relief can be granted. He is always impressed by Dean’s work.

Member Callahan shared the same sentiments. He likes the fact that they talked with the neighbors and adjusted. He likes the new plans with the single driveway. It looks like it would fit in a lot better. He believes they meet the criteria for the variance, definitely have a hardship on the shape of the lot, public good will be granted by adding three new houses, minimal request for relief. Zoning intent satisfied as only pertains to one lot.

Member Briere likes the project very much. It fits neatly into that lot. Kudos to Dean and his team. He is not surprised to hear that he was complemented by the abutters. Wishes him the very best.

Chairman Perrin said he made his comments. It’s a testament to the work that this team continues to do in the city. He looks forward to other projects.

Member Callahan noted that five neighbors submitted written approvals of this project.

Motion:

S. Callahan motioned and V. Pech seconded the motion to APPROVE the Variances under Sections 5.1 and 5.1.10. The motion passed unanimously, (4-0).

II. New Business

III. Other Business

Minutes:

April 27, 2020

S. Callahan motioned and M. Briere seconded the motion to APPROVE the April 27, 2020 minutes. The motion passed unanimously, (4-0).

IV. Adjournment

SC motioned to adjourn at 10:15 pm. VP second.

S. Callahan motioned and V. Pech seconded the motion to adjourn the meeting. The motion passed unanimously by acclamation, (4-0). The time was 10:15 PM.

New Business to Be Advertised by April 26 and May 3, 2020