

Lowell Zoning Board of Appeals Minutes

February 22, 2021 6:30 P.M.

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

Members Present: Chairman Perrin, Member Pech, Member Callahan, Member McCarthy, Member Briere, Member Procopie

Members Absent: Member Njoroge

Others Present: Fran Cigliano, Senior Planner; Jess Wilson, Associate Planner; Dylan Ricker, Assistant Planner

The following represents the actions taken by the Zoning Board of Appeals at the 2/22/2021 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.

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

Continued Business

ZBA-2020-55

Petition Type: **Variances**

Applicant: **Fatumata Jaiteh**

Property Located at: **173 Westford Street 01851**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Fatumata Jaiteh has applied to the Zoning Board of Appeals to construct a new single family home at 173 Westford Street. The property is in the Traditional Neighborhood Multifamily (TMF) zoning district and requires Variance approval under Section 5.1 for minimum lot area, minimum frontage, minimum front yard setback, minimum porch setback, minimum garage setback, minimum side yard setback, and minimum rear yard setback and for any other relief required of the Lowell Zoning Ordinance.**

On Behalf:

Steve Mansaray, Applicant's Nephew
Fatumata Jaiteh, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan thanked the applicant for the additional information. They did a great job providing additional green space. He mentioned that there is only need for one surface parking space, but that in the new plan the parking area was expanded.

S. Mansaray said he had reviewed the zoning. Some places do not recognize stacked parking. To be safe, he revised the plan to show a plan with side by side parking spaces.

S. Callahan said he has no problems with it but he is concerned about green space. Keeping stacked parking would allow for more green space in the side yard area. He asked about the stairs in the rear that are now a deck.

S. Mansaray confirmed that there will be a deck in the rear.

S. Callahan does not see an issue with the rear deck since they already have two means of egress. He thinks that the plan will work and thinks it is something they can approve given the same conditions from the prior approval. He would like the previous condition regarding the retaining wall and landscaping to be included as a condition. Great job, fantastic addition to the neighborhood.

S. Mansaray asked whether rear stairs would be allowed. S. Callahan said either way; he would defer to his fellow Board members.

D. McCarthy agreed that this looks like a more thorough application. He discussed the floor plans. Will this be a four bedroom house?

S. Mansaray said it could be, yes.

D. McCarthy said the plan should be modified to clearly show either an open space or another bedroom. D. McCarthy would like to make a condition that the third bedroom be revised to show a code compliant room, whether that is a bedroom or open space. He discusses the revised site plan vs. architectural plans.

S. Mansaray said he could make them agree with one another. They were created at different times.

D. McCarthy mentioned that seven total trees are shown on the property and wondered whether the plan could also be considered a landscaping plan.

S. Mansaray agreed.

D. McCarthy mentioned the walkway on the side of the house does not indicate steps. He is assuming it is a step surface, not a ramp?

S. McCarthy said the architectural drawings show steps.

D. McCarthy said the site plan needs to be revised to show steps. S. Mansaray agreed. D. McCarthy also requested modified site plans showing rear porch stairs and said that the city would be well served to see this added to the built environment.

M. Briere said the additional information has satisfied his concerns from the previous meeting. He looks favorably upon this petition.

G. Procope said that he sees the effort and care taken to ensure that the requirements are met. It seems that this would be a great addition to the neighborhood.

S. Mansaray added that there are both contour stairs and stairs along the side of the house. D. McCarthy said there is too much inconsistency across documents.

S. Callahan said that with regards to the trees, the front lawn tree should be moved so that it does not block sight lines for cars entering/exiting the driveway.

Motion:

S. Callahan motioned to approve the variances with the following conditions:

1. The applicant shall include treatment of retaining walls using decorative blocks and a landscaping plan;
2. The site plan and floor plans shall be revised to include:
 - a. The third bedroom revised to show a code-compliant room;
 - b. A paved surface on the pathway to the front porch;
 - c. A minimum of seven (7) trees. The tree in the front yard shall be relocated to ensure there are adequate sight lines entering and exiting the driveway;
 - d. A code-compliant, usable walkway; and
 - e. Rear porch stairs.

The motion was seconded by D. McCarthy and passed unanimously, (5-0).

New Business

ZBA-2021-1

Petition Type: **Variance**

Applicant: **Lorenzo Arpini**

Property Located at: **74-76 Chapel Street 01852**

Applicable Zoning Bylaws: **Section 6.1**

Petition: **Lorenzo Arpini has applied to the Zoning Board of Appeals seeking Variance approval to convert a 3-family home into a 4-family home. The property is located in the Urban Multi-Family (UMF) zoning district. The existing home at 74-76 Chapel Street requires a Variance under Section 6.1 for off-street parking requirements, a Site Plan Review under Section 11.4 for the conversion of a residential structure with more than 3 dwelling units, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Lorenzo Arpini, the Applicant

L. Arpini said he recently purchased the property. He has a one bedroom unit that is legally part of his unit but they have separate stairways. It is a huge waste to pay for heat/utility and he has no use for it.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan said that the application appears very incomplete. The applicant is looking for a parking variance but all the certified plot plan shows is the existing driveway. It does not show proposed parking spaces. Most importantly, what is missing is floor plans. The ZBA would have to see how the building is laid out, where the fourth unit would be.

L. Arpini said he provided the plot plan.

S. Callahan said that they can't tell the proposed dimensions of the parking spaces. This is important information that they need before granting a variance. They don't have enough information to make a decision. The Planning Board will ask for the floor plans.

L. Arpini said that he knew he would need that, but wanted to see how this meeting went.

S. Callahan said that they need to certify that this is a 3 family that will become a 4 family.

D. McCarthy said that the application does not contain prerequisites for a variance, including the quantities and conditions of existing and proposed parking spaces. There's a lot of material that is not provided. Assessor's data says that this is a 9 bedroom, but L. Arpini says that the property has 10 bedrooms. He has never seen a letter from the Building Commissioner sent with such reluctance. He is worried about the incompleteness of the application and the Building Commissioner's letter. He would like to see this continued.

M. Briere said he is unable to judge the merits of the application.

G. Procope agrees with his fellow Board members.

V. Pech said they are missing a few prerequisites. He thinks we can work with the applicant but it is missing some key documents.

L. Arpini asked where to get floor plans. D. McCarthy said that the city has limited documents on that property. He would have to have a registered architect or draftsman develop a plan.

L. Arpini said that he bought the property and saw the email from the Building Commissioner. He is not sure with how the previous owner dealt with the city. He has had the inspector at his house and is missing the COI. In order to get it, he needs to rebuild his back stairway. He is trying to comply with every code requirement. He is trying to correct everything.

Motion:

S. Callahan motioned to continue the public hearing to March 22, 2021. The motion was seconded by V. Pech and passed unanimously, (5-0).

ZBA-2021-2

Petition Type: **Special Permit**

Applicant: **NH Signs**

Property Located at: **1148 Bridge Street 01854**

Applicable Zoning Bylaws: **Section 6.3**

Petition: **NH Signs has applied to the Zoning Board of Appeals for a Special Permit to add three internally illuminated signs for a new business, "Reverie 73" at 1148 Bridge Street. This is a recreational marijuana retailer that was approved at a Planning Board hearing on December 7, 2020. The property is located in the Regional Retail (RR) zoning district and requires a Special Permit under Section 6.3 for internally illuminated signage and all other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Peter March, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D. McCarthy said the graphics outside the building are nice. It looks beautiful. He wishes other facilities looked this nice.

V. Pech said this is a well-done package and the sign looks good. He thinks during these times, people have to be creative. This is another creative business for the city.

G. Procope is recusing himself because he is familiar with this project in another capacity.

M. Briere has no questions.

S. Callahan said the graphics are outstanding. He is intrigued by the honeycomb portion of the building.

G. Perrin said it looks amazing and was wondering what business was going in there.

Motion:

S. Callahan motioned to approve the Special Permit with the following conditions:

1. The address sign is not to exceed two (2) sq. ft.;
2. The hours of illumination shall be one (1) hour before sunrise to (1) hour after sunset or one (1) hour after the close of the business, whichever comes later.

D. McCarthy seconded the motion and it passed unanimously, (5-0).

Other Business

Landscaping Plans as Prerequisites

S. Callahan said that in the past, applicants were not providing information they needed. A lot of these things are requirements. Floor plans and landscaping plan. Also make sure applicants check off that the filing fee has been paid.

D. McCarthy said there is a need to understand what a landscape requirement is. Hiring a landscape architect. We are asking for a plan that depicts an area that is lawn, shrubs, etc.

V. Pech said he looked into other towns and cities in MA in terms of their permitting.

F. Cigliano said that they could draft revisions to their application forms and send them to the ZBA for review.

V. Pech suggested looking at different cities/towns and their permitting.

D. McCarthy said the planning department could weigh in on the document and what is meant by a landscaping plan. Needing a plan that is specific and created by a landscape architect or is simply a plan generated by civil engineer indicating size, species of proposed plantings.

F. Cigliano said that the goal is to make the checklist more consistent with the prerequisite list from the Lowell Zoning Ordinance, and to make the requirements clearer for applicants, staff, and ZBA members.

Minutes for Approval:

February 8, 2021

S. Callahan motioned to accept the meeting minutes. The motion was seconded by M. Briere and passed unanimously, (5-0).

Announcements

Adjournment

S. Callahan motioned and G. Procope seconded the motion to adjourn the meeting. The time was 8:19PM.

New Business to Be Advertised by February 7, 2021 and February 14, 2021