

Lowell Zoning Board of Appeals Minutes

February 27, 2023 at 6:30 P.M.

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

Members Present: Vice Chair Callahan, Member McCarthy, Member Briere, Member Procope, Member Hovey

Members Absent: Chairman Pech

Others Present: Dylan Ricker, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 2/27/2023 meeting. This meeting was held in the City Council chambers. Attendees had the ability to participate via Zoom as permitted by Chapter 107 of the Acts of 2022, signed into law on July 16, 2022.

Vice Chair Callahan called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2023-1

Petition Type: **Variances**

Applicant: **102-108 Westford Street, LLC**

Applicant: Property Located at: **102-108 Westford Street, 01851**

Applicable Zoning Bylaws: **Section 5.1; Section 5.3.1; Section 6.1**

Petition: **102-108 Westford Street, LLC to construct a 6-unit residential structure at 102 Westford Street. The previous multi-family property on the site was destroyed in a fire. The subject property is located in the Traditional Multi-Family (TMF) zoning district. The proposal requires Site Plan Review approval from the Planning Board per Section 11.4 to construct more than 3 residential units, and Special Permit approval from the Planning Board per Section 11.3 and Article 12.1 for 6 residential units. The proposal also requires Variance approval from the Zoning Board of Appeals per Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, maximum front yard setback, minimum side yard setback, maximum height, minimum rear yard setback, minimum lot coverage, and minimum usable open space per dwelling unit requirements, and per Section 6.1 for relief from the minimum off-street parking requirement, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

John Geary, Applicant's Representative

J. Geary said the site plan was revised and a landscaping plan was submitted since the last meeting. J. Geary said the site plan shows a walkway from the front to the rear of the property made out of pervious

materials and a screened trash area at the rear of the property. J. Geary said the Fire Department has not weighed in on the proposal, but said that when the applicant files for building permits fire safety requirements must be met. J. Geary said that it would take up the majority of the front yard to install a handicap accessible ramp which is why they decided against it, but said they will accommodate tenants if there is a need. J. Geary said the Site Plan Review was approved by the Planning Board and the Special Permit was continued so the applicant can soften the façade. J. Geary said the City's Design Planner is reviewing the revised elevations. J. Geary said there is no detriment to the character of the neighborhood and they meet the criteria for a variance.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

T. Hovey said he has driven past the property and has not seen any on-street parking issues. T. Hovey said housing is needed and the project will be beneficial to the neighborhood. T. Hovey said the development is needed and will improve the site, and expressed support.

M. Briere said he is in favor of the proposal and the Board's concerns have been satisfactorily addressed.

D. McCarthy noted the improvement to the trash storage area. D. McCarthy asked about fire access to the site. J. Geary said that there is more room to the rear of the property for the Fire Department to maneuver and added there is likely access via Royal Street. D. McCarthy asked if the Fire Department commented, D. Ricker said they had not.

D. McCarthy said the landscaping plan says the trees will be determined by DCR and expressed concern that a shade tree may not be planted. J. Geary said the reason for this was the proximity to the retaining wall and the best resolution was to consult with DPD and DCR to use a tree that works for the site conditions. D. McCarthy said a shade tree 10 feet away from the retaining wall would work. J. Geary noted the concerns of the Planning Board which approved the project with conditions to address these concerns. J. Geary said a shade tree would be the preference. D. McCarthy asked about the plantings. J. Geary said it will be ground cover and bushes and said they are amenable to conditioning landscaping plan approval from DPD. D. McCarthy expressed support for this condition.

G. Procopé said the project would benefit the neighborhood. G. Procopé asked about stormwater. J. Geary said the applicant submitted a final stormwater memo and came up with a plan that meets the City's stormwater requirements. G. Procopé expressed support for the proposal with the landscaping condition.

S. Callahan said he is supportive of the application with the landscaping condition. J. Geary said the applicant is amenable to this condition.

Motion:

D. McCarthy motion to approve the Variances with the following condition:

1. The applicant shall submit a landscaping plan subject to DPD approval.

The motion was seconded by M. Briere. The motion passed unanimously, (5-0).

II. New Business

ZBA-2023-4

Petition Type: Variances

Applicant: Plymouth Street House Corporation

Property Located at: 30 Plymouth Street, 01854

Applicable Zoning Bylaws: Section 5.1

Petition: Plymouth Street House Corporation has applied to the Zoning Board of Appeals to demolish the single-family residence and construct a new two-family residence at 30 Plymouth Street. The subject property is located in the Traditional Multi-Family (TMF) zoning district. The project requires Variance approval per Section 5.1 for relief from the minimum lot area per dwelling unit requirement, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

John Geary, Applicant's Representative

J. Geary said the applicant is requesting a continuance to the 3/27 ZBA meeting. J. Geary said an abutter was in attendance and has some concerns, the continuance is being requested to address these concerns.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D. McCarthy motioned, and G. Procope seconded the motion to continue the application to the March 27th Zoning Board meeting. The motion passed unanimously, (5-0).

ZBA-2023-5

Petition Type: Variance

Applicant: John Sylvester

Property Located at: 43 Hampstead Street 01852

Applicable Zoning Bylaws: Section 5.1

Petition: John Sylvester has applied to the Zoning Board of Appeals to construct an attached garage to the single-family home at 43 Hampstead Street. The subject property is located in the Traditional Single-Family (TSF) zoning district. The project requires Variance approval per Section 5.1 for relief from the minimum side yard setback requirement, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Matt Hamor, Applicant's Representative

M. Hamor explained the proposal. M. Hamor said the homeowner is looking to construct a garage and explained the dimensions and location of the proposed garage. M. Hamor said the applicant has spoken to the director abutter and the neighbor does not have any concerns.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

M. Briere said the relief requested is minimal and he does not have any concerns with the proposal. M. Briere said he is in support.

D. McCarthy agreed with M. Briere. D. McCarthy asked about the site plan showing a piece of the existing structure to remain, and said this should be corrected to note the existing is being raised. M. Hamor said that is not an issue. D. McCarthy said this should be a condition of approval. D. McCarthy said the relief requested is minimal.

G. Procope expressed support for the proposal.

T. Hovey agreed with fellow Board members and said the relief is minimal. T. Hovey said he is in support.

S. Callahan asked about the rear door and asked if there will be concrete padding below the rear bay door. M. Hamor said there will be a transitional material such as pavers or a ramp. S. Callahan expressed support.

Motion:

D. McCarthy motioned to approve the Variance with the following condition:

1. The applicant shall update the site plan to indicate the portion of the home adjacent to the addition that needs to be raised be corrected.

The motion was seconded by G. Procope. The motion passed unanimously, (5-0).

ZBA-2023-6

Petition Type: Variances

Applicant: Matthew and Shannon LeLacheur

Property Located at: 39 Perron Way, 01854

Applicable Zoning Bylaws: Section 5.1

Petition: Matthew and Shannon LeLacheur have applied to the Zoning Board of Appeals to construct a second story addition at 39 Perron Way. The subject property is located in the Suburban Single-Family (SSF) zoning district and requires Variance approval per Section 5.1 for relief from the minimum side yard and rear yard requirements, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Matt Hamor, Applicant's Representative

M. Hamor explained the proposed plans to expand the home to the rear. M. Hamor said the applicant will have a walk out basement and the work will require some minimal grading. M. Hamor said the property abuts the State Forest. M. Hamor said no abutters are directly impacted and the applicant has spoken with abutters. M. Hamor explained the proposed elevations and floor plans.

Matthew LeLacheur, Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D. McCarthy asked who owns the property which abuts to the rear. M. LeLacheur said the property is Rollie's Farm which will be purchased and conserved in perpetuity and can't be developed. D. McCarthy said the request is reasonable.

D. McCarthy asked about the grading in the rear yard. M. Hamor said the site plan shows the intended grading to be done on the property.

G. Procope said the proposal is a good project, and expressed support.

T. Hovey said the requested relief is minimal and he is in support.

M. Briere said he has no questions.

S. Callahan agreed with Board members and said the proposal is beneficial to the neighborhood.

Motion:

D. McCarthy motioned, and G. Procope seconded the motion to approve the Variances. The motion passed unanimously, (5-0).

III. Other Business

Minutes for Approval:

2/13/2023 Meeting Minutes

D. McCarthy motioned, and M. Briere seconded the motion to approve the February 13th meeting minutes. The motion passed unanimously, (5-0).

D. McCarthy noted the upcoming administrative reviews for previously approved projects.

D. McCarthy motioned to adjourn, seconded by G. Procope, passed unanimously, (5-0). The time was 7:24PM.