

Lowell Zoning Board of Appeals Minutes

February 28, 2022 at 6:30 PM

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, Vice-Chair Pech, Member Callahan, Member Briere, Member Procope

Members Absent: Member McCarthy, Member Njorge

Others Present: Peter Cutrumbes and Serena Gonzalez, Assistant Planners

The following represents the actions taken by the Zoning Board of Appeals at the 1/10/2022 meeting. This meeting was held in the City Council chambers. However, due to the COVID-19 pandemic, attendees had the ability to participate via Zoom as permitted by the Governor's 3/10/2020 emergency order to suspend certain provisions of the Open Meeting Law.

Chairman Perrin called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2022-3

Petition Type: Variances

Applicant: 505 Capital Partners, LLC

Property Located at: 38-40 Swift Street 01852

Applicable Zoning Bylaws: Section 5.1; Section 6.1.10

Petition: 505 Capital Partners, LLC has applied to the Zoning Board of Appeals to subdivide the existing lot at 38-40 Swift Street and construct a new two family dwelling on the new lot. The property is located in the Traditional Neighborhood Two Family (TTF) zoning district and requires variance approval under Section 5.1 for minimum lot area per dwelling unit, minimum frontage, minimum and maximum front yard setbacks, minimum side yard setback, and minimum rear yard setback, under Section 6.1.10 to exceed the maximum allowed curb cut, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf: None

Speaking in Favor: None

Speaking in Opposition: None

Discussion: None

Motion: A motion to continue to March 14 was made by S. McCarthy, seconded by M. Briere. The vote was unanimous (5-0).

ZBA-2022-1

Petition Type: Variance

Applicant: Mon San

Property Located at: 60 Foster Street 01851

Applicable Zoning Bylaws: Section 5.1

Petition: Mon San has applied to the Zoning Board of Appeals seeking Variance approval at 60 Foster Street. The applicant proposes to construct an addition to the existing single-family home

to include an attached garage and second story living space. The subject property is located in the Traditional Single Family (TSF) zoning district. The application requires Variance approval per Section 5.1 for relief from the front yard setback requirement for garages, and any other relief required under the Lowell Zoning Ordinance.

On Behalf: Mon San of 60 Foster Street spoke briefly, but turned the description of the project over to Ed Greaves, the contractor. He said that they were issued a permit and completed the work, but there was a mistake by our department and it was too close to the setback.

Speaking in Favor: None

Speaking in Opposition: None

Discussion: V. Pech said he has no issue with this now that an updated plot plan has been provided. S. Callahan inquired about the carport. E. Greaves answered that it is movable and can be moved to make sure it is away from the setbacks. M. Briere and G. Procope both expressed satisfaction with the new plans and said that the requirements have been met. G. Perrin concurred, and reminded the applicants that carports cannot be enclosed.

Motion: Motion by S. Callahan to approve the Variance, which was seconded by M. Briere. The vote was unanimous (5-0).

II. New Business

ZBA-2022-5

Petition Type: **Variance**

Applicant: **Tony Valente**

Property Located at: **113 Llewellyn Street 01850**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Mr. Tony Valente has applied to the Zoning Board of Appeals seeking Variance approval at 113 Llewellyn Street. The applicant proposes to construct an attached garage for his single family home. The property is located in the Suburban Single Family (SSF) zoning district, and requires one variance for side yard setbacks under Section 5.1, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf: T. Valente described the project, which is a garage to provide the family more parking. There is a fire hydrant in front of their home, which limits street parking.

Speaking in Favor: None

Speaking in Opposition: None

Discussion: S. Callahan said he believed it fits the neighborhood and had no concerns. M. Briere concurred. G. Procope also had no issues. G. Perrin agreed. V. Pech said the relief is minimal so he has no real concerns.

Motion: Motion by S. Callahan to approve the variance, which was seconded by G. Procope. Vote was unanimous (5-0).

ZBA-2022-6

Petition Type: **Variance**

Applicant: **Zahi Abuhamdeh**

Property Located at: **697-699 Beacon Street 01850**

Applicable Zoning Bylaws: **Section 5.1**

***Petition:* Zahi Abuhamdeh has applied to the Zoning Board of Appeals for Variance approval to construct an addition at 697-699 Beacon Street. The property is in the Suburban Multi Family (SMF) zoning district and requires Variance approval under Section 5.1 for relief from the minimum side yard setback requirement and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf: Zahi, 26 Simmonds Farm Road in Billerica is the owner of the property. He is planning to add a third story to the building. This would convert the existing two family with two bedrooms into a two family with four bedrooms in each.

Speaking in Favor:

Speaking in Opposition: Joan and Scott Harrison, of 685 Beacon Street, expressed concern about the increased parking and how that could effect the visibility of Beacon Street at that intersection. S. Harrison also expressed concern about the noise and disruption of construction in the residential neighborhood.

Discussion: G. Perrin asked if it was a two family. Z. Abuhamdeh said yes. V. Pech expressed no major concerns. G. Procope expressed concern with traffic in the area, particularly around school bus pick-up and drop-off times. He said as long as the abutters concerns can be addressed, he thinks it is a good project. M. Briere expressed an immediate concern on parking. M. Briere expressed a desire that it be required to receive a special permit under Section 4.5. S. Callahan expressed serious concerns about the parking and the dimensions of the lot. Z. Abuhamdeh said that he may be able to take out the side porch and expand the parking into the back. G. Perrin echoed these concerns about parking. He recommended a continuance with a new proposed parking plan. G. Perrin asked for clarification from LRTA if it is a posted bus stop.

Motion: Motion to continue to March 14 by S. Callahan, which was seconded by M. Briere. The motion was unanimous (5-0).

III. Other Business:

Minutes for Approval:

2/14/2022 meeting minutes

Motion: Motion by S. Callahan to accept the minutes. which was seconded by V. Pech. The vote was unanimous (5-0).

Motion to adjourn by G. Perrin. The vote was unanimous (5-0). Meeting adjourned.