

Lowell Zoning Board of Appeals Minutes

March 8, 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: Member Pech, Member Callahan, Member McCarthy, Member Briere, Member Procopé, Member Njoroge

Members Absent: Chairman Perrin

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 3/8/2021 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.

Vice Chairman Pech called the meeting to order at 6:31pm.

Continued Business

New Business

ZBA-2021-3

Petition Type: Variances

Applicant: Ryan Ostler

Property Located at: 32 Wamesit Street 01852

Applicable Zoning Bylaws: Section 5.1; Section 6.1

Petition: Ryan Ostler to renovate the existing building at 32 Wamesit Street into a three-unit residential structure. The building currently has two residential units. The subject property is located in the Traditional Multi-Family (TMF) zoning district and requires Special Permit approval per Article 12.1(c) to expand a residential structure to three dwelling units, a Variance per Section 6.1 for relief from the off-street parking requirement, and a Variance per Section 5.1 for minimum open space per dwelling unit, minimum lot size, minimum frontage, minimum front yard setback, minimum side yard setback, minimum rear yard setback, and minimum lot area per dwelling unit, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

John Geary, Applicant's Attorney

J. Geary said that the applicant cannot attend tonight. They will also be requesting a special permit from the Planning Board. He addressed each of the comments from the City.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Procope said that J. Geary had answered all his questions. He was going to ask about green space. On Google Maps, it looked like there might be a tree back there. J. Geary said that there is a tree along the property line and that it would not be removed

G. Procope asked about changes requested by the building department. J. Geary said he would be happy to include those changes as a condition of approval.

M. Briere asked when the Planning Board was scheduled to hear this petition. J. Geary said one week from today. M. Briere asked if the building is currently being used as a three family. J. Geary said it was; it was converted to a two family in the 1990s but it has always been used as a three family. Applicant acquired the property in 2019. M. Briere asked if any changes are proposed. J. Geary said nothing would be changed except bringing the building into code compliance. J. Geary confirms that there are 8 existing bedrooms.

R. Njoroge asked about safety requirements for the units. Sprinkler system needed? Or just fire? J. Geary said only what was discussed by inspector Negrón. R. Njoroge said that the conditions of approval regarding green space and parking should be included in the decision.

D. McCarthy asked about multifamily designation in the application. J. Geary confirmed that by “multifamily”, he meant 4+ units. D. McCarthy likes that the property is already set up as a three family. No significant work proposed. J. Geary said only changes to comply with simple safety requirements.

D. McCarthy discussed the importance of having pervious surfaces to assist the overtaxed stormwater system in that neighborhood. J. Geary said that it has existed this way for decades. The backyard gets a lot of use from tenants. It could get less use if it is changed. D. McCarthy asked if J. Geary is familiar with pervious asphalt. J. Geary said yes. D. McCarthy said it would work for a patio. It is a successful tool that would help a taxed stormwater system. Board does not typically approve 100% pervious sites. D. McCarthy said it would be a great asset to the neighborhood. J. Geary said that his client would comply if that is what the Board requires.

D. McCarthy said that the application is incredibly thorough and he enjoyed reviewing it.

S. Callahan said that J. Geary is extremely thorough and that J. Geary covered their answers during his presentation. D. McCarthy had already asked about the rear green space. S. Callahan said that the breakdown of the uses throughout the neighborhood was helpful.

V. Pech said that the applicant is looking to make things right. He doesn't see any adverse effects on the neighborhood. He has no concerns. This would be a good addition to the neighborhood.

Motion:

D. McCarthy motioned and M. Briere seconded the motion to approve the variances with the following conditions:

- 1) The applicant shall remove the impervious material at rear of site and replace it with a pervious surface.
- 2) The applicant shall work with the building department to improve the structure and address safety requirements.

The motion passed unanimously, (5-0).

ZBA-2021-5

Petition Type: Variance

Applicant: Lupoli Companies, LLC

Property Located at: 330 Jackson Street 01852

Applicable Zoning Bylaws: Section 5.1

Petition: Lupoli Companies, LLC seeking Variance approval to construct an 8-story, 548 space parking structure at 330 Jackson Street. The property is in the Hamilton Canal Innovation District (HCID). The proposal requires Variance relief from Section 10.3.8(3) Building Form Standards for Parcel 1 and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Chris Raymond, Applicant's Representative

C. Raymond said that they were scheduled to be on the agenda tonight. Did not meet city's requirement for request for permit sign. The sign has now been installed on site. They are looking to continue to the next meeting on March 22.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D. McCarthy motioned and S. Callahan seconded the motion to continue the petition to the March 22, 2021 ZBA meeting. The motion passed unanimously, (5-0).

Other Business

Variance Extension Request: 1 E Merrimack St 01852

Variance extension for a new mixed-use structure at 1 E Merrimack Street. The Variance expired on February 22, 2021 and the applicant seeks a one-year extension to February 22, 2022.

On Behalf:

Jonathan Miller, Daly Group

J. Miller said that the group is working with the city to revise plans to move the project closer to Merrimack Street. They should be wrapping that work up in the coming weeks. They will be sending those plans to the Planning Board and then will move forward with the project. They will get extensions for Conservation Commission and ZBA, and a new Planning Board approval to get the project underway.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan confirmed that they are seeking a two year extension. F. Cigliano clarifies that variance extensions may only be issued for a one-year period.

D. McCarthy asked whether they are asking for 45 units? J. Miller said yes. They are revising the footprint of the building. D. McCarthy said they are also revising the makeup of the retail portion of the building. Previously, they had been looking at retail. Now they are looking at fitness center and coffee shop.

J. Miller said that this is just an extension not a minor modification. D. McCarthy said that he is favor of a one year extension.

V. Pech said that he does not mind granting an extension. He has no objections.

Motion:

D. McCarthy motioned to issue the one-year variance extension. The motion was seconded by G. Procope and passed unanimously, (5-0).

D. McCarthy and staff noted that the extension applies to the previously-approved design that includes 42 units. Any proposed changes to the building's design must be brought back before the Board and approved by the ZBA.

Variance Extension Request: 900 Chelmsford Street 01851

Variance extension for an oversized wall sign for Kronos Incorporated at 900 Chelmsford Street. The variance expired on February 10, 2021 and the applicant is seeking a one-year extension to February 10, 2022.

On Behalf:

Melanie McVey, the Applicant

M. McVey presents the extension request. Oversized wall sign. Kronos was renamed UKG. Will be reaching out to change Kronos signs on the building. In the meantime, they would like to extend until all signs are updated to reflect the new company name.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan has no concerns. He asked how long it will take for UKG to come back before the Board for new signage.

M. McVey said within the next two months.

D. McCarthy asked how often they would be coming back before the Board. He doesn't like the large elements that do not conform to our zoning bylaw decorating this building. He would like to see something that conforms to the bylaw. He will be questioning the validity of another extension next year. He can see an extension for one year but would like to see something compliant.

G. Procope has no concerns.

R. Njoroge said that this sign is meant to be temporary. We can re-evaluate next year.

V. Pech said it's a good problem to have. He wants to see things done in line with our bylaws and ordinances, but it is good to see a company thriving. UKG is a huge asset to the city.

Motion:

D. McCarthy motioned to grant a one year extension to the variance for a temporary sign. The motion was seconded by M. Briere and passed unanimously, (5-0).

Variance and Special Permit Extension Request: 83 Boulevard Street 01854

Variance and Special Permit extension for the rebuilding of an existing electric substation located at 83 Boulevard Street. The Variance and Special Permit is due to expire on July 12, 2021, and the applicant is seeking an extension to July 12, 2022.

On Behalf:

Josh Lee Smith, Applicant's Attorney

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Procope asked whether the applicant can ask for both a Special Permit and Variance extension. F. Cigliano confirmed yes since the ZBA issued both.

D. McCarthy asked about the proposed timeline.

M. Briere said no questions.

R. Njoroge said he had no objections.

V. Pech said he does not have any concerns.

Motion:

D. McCarthy motioned and G. Procope seconded the motion to extend the Variance and Special Permit by one year. The motion passed unanimously, (5-0).

Minutes for Approval:

February 22, 2021

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

Announcements

D. McCarthy asked staff to distribute the findings from the parking study to the ZBA members. F. Cigliano confirmed that staff would send out a report once it is available.

Adjournment

D. McCarthy motioned and S. Callahan seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 7:57 PM.

New Business to Be Advertised by February 21, 2021 and February 28, 2021