

Lowell Zoning Board of Appeals Minutes

March 13, 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 Hovey

Members Absent: Chairman Pech, Member Procope

Others Present: Francesca Cigliano, Senior Planner

The following represents the actions taken by the Zoning Board of Appeals at the 3/13/2023 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 6:34 PM

Vice Chair Callahan held a moment of silence acknowledging the passing of Dahvy Tran Pech and offered sincere condolences on behalf of the Board.

I. Continued Business

II. New Business

ZBA-2023-8

Petition Type: **Special Permit**

Applicant: **Jose Lizardo**

Property Located at: **1320 Middlesex Street 01851**

Applicable Zoning Bylaws: **Section 6.3**

Petition: **Jose Lizardo has applied to the Zoning Board of Appeals to erect an internally illuminated sign at 1320 Middlesex Street. The subject property is located in the Light Industrial (LI) zoning district. The property requires Special Permit approval per Section 6.3 for internally illuminated signage and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Carlos Francis, applicant's representative

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

T. Hovey asked about hours of operation. C. Francis said 7am-9pm. T. Hovey confirmed that the sign will not be illuminated after 9pm.

D. McCarthy asked about landscaping. The approved plan isn't being followed. F. Cigliano noted that staff had conducted a site visit and let the owner know that they needed to comply with the landscaping plan. D. McCarthy said the lights on the signs should be shut off by 10pm.

S. Callahan said its great to hear this supermarket is expanding to add a second location.

Motion:

D. McCarthy motioned to approve the special permit with the following condition:

1. The hours of illumination shall be one hour before sunrise to one after closing or sunset, whichever is later.

The motion was seconded by S. Callahan and passed unanimously, (4-0).

III. Other Business

Administrative Review: 17 Montreal Street, 264-266 Plain Street

Administrative review to review compliance with special permit approved on 9/27/2022 and compliance with outstanding conditions of approval.

The Board discussed the conditions of approval that are not being followed per the staff comment memo. The Board recommended that staff reach out to applicants, schedule an administrative review on June 26, and double check to see if the decision was recorded on the Registry of Deeds website.

D. McCarthy motioned and T. Hovey seconded the motion to continue the item to the June 26, 2023 ZBA meeting. The motion passed unanimously, (4-0).

Executive Session to Discuss Outstanding Litigation: 228 First Street 01854

S. Callahan noted that they would table this discussion for a future meeting where a full board can be in attendance.

Other Comments

F. Cigliano recommended that the ZBA propose a zoning change that would remove the special permit requirement for internally illuminated signage, per their discussion. D. McCarthy said he could draft proposed changes and send the changes to staff for their review.

S. Callahan said happy St. Patrick's Day.

Minutes for Approval:

D. McCarthy motioned and M. Briere seconded the motion to approve the meeting minutes. The motion passed unanimously, (4-0).

D. McCarthy motioned and T. Hovey seconded the motion to adjourn the meeting at 7:15PM.