

# Lowell Zoning Board of Appeals Minutes

**March 14, 2022 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](http://www.LTC.org).

**Members Present:** Chairman Perrin, Member Callahan, Member McCarthy, Member Briere, Member Njoroge, Member Procope

**Members Absent:** Member Pech

**Others Present:** Francesca Cigliano, Senior Planner; Serena Gonzalez, Assistant Planner

*The following represents the actions taken by the Zoning Board of Appeals at the 3/14/2022 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 6:31 PM*

## **I. Continued Business**

### **ZBA-2022-2**

*Petition Type:* **Variance**

*Applicant:* **Chem Saret**

*Property Located at:* **16 Calvin Street 01852**

*Applicable Zoning Bylaws:* **Section 5.1**

*Petition:* **Chem Saret has applied to the Zoning Board of Appeals for Variance approval to construct an addition at 16 Calvin Street. The property is in the Suburban Single Family (SSF) 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:

Brian Var, the Applicant

B. Var said that last time we met, the sign had fallen down but it has been reinstalled.

#### Speaking in Favor:

James Lucia, 40 Calvin Street

J. Lucia stated that he is an abutter and is in favor of the variance.

#### Speaking in Opposition:

None

Discussion:

G. Perrin noted that the sign advertising the hearing is now posted.

D. McCarthy said that this application shows restraint and relief is due to the side yard setback of the existing house. He asked whether the applicant would be willing to add a 3ft unpaved buffer between the driveway and house. B. Var said yes.

R. Njoroge added that he is in support of the application.

Motion:

D. McCarthy motioned and S. Callahan seconded the motion to approve the variance with the following condition:

1. The applicant shall submit a revised site plan prior to submitting a building permit that provides for a 3-ft. setback from the driveway and proposed addition.

The motion passed unanimously, (5-0).

**ZBA-2022-6**

*Petition Type:* **Variance**

*Applicant:* **Zahi Abuhmdeh**

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

*Applicable Zoning Bylaws:* **Section 5.1**

*Petition:* **Zahi Abuhmdeh 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 Abuhmdeh, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

Joan Harrison, 685 Beacon Street

J. Harrison said that the school bus stops in front of the house. There is no parking across the street from the house.

Discussion:

D. McCarthy is seeking additional information on the site plan. This application feels rushed. D. McCarthy is looking for usable open space calculations so that he knows what relief is needed. D.

McCarthy has never seen 4 stacked parking spaces proposed as a solution and thinks that the elevations are rather utilitarian. D. McCarthy discusses a few architectural suggestions that would make the elevations better suit the neighborhood context. Z. Abuhamdeh said that they would consider these suggestions. D. McCarthy asked if they are adding street trees. Z. Abuhamdeh said no but they are willing to add it.

S. Callahan said that parking was his main concern. He is concerned that neighbors have not had a chance to review the plans.

R. Njoroge agreed that the site plan needs to be updated.

M. Briere's concerns were centered around parking. M. Briere discusses the parking plan.

G. Procope noted that it was a busy street. The activity could be an issue if there are a lot of cars.

G. Perrin said that the stacked parking sounds great on paper. He does not believe it is appropriate for this location. G. Perrin said that the side triangle space and area near electrical box may also become parking. G. Perrin asked what the need is. Z. Abuhamdeh said that there is a need for 4 bedroom housing units. G. Perrin said that adding this addition would be adverse to the property and that it is a public safety concern.

D. McCarthy noted that the application does not thoroughly identify the needed variances (usable open space, new parking layout, no setbacks included on the parking layout).

S. Callahan agreed new plans are needed. F. Cigliano added that the parking plan must have a stamp from a land surveyor to assure the Board that whatever dimensions are included are accurate.

Motion:

D. McCarthy motioned and M. Briere seconded the motion to continue to the April 11, 2022 ZBA meeting. The motion passed unanimously, (5-0).

## **II. New Business**

### **ZBA-2022-8**

*Petition Type: Variance*

*Applicant: JMF Realty, LLC - Brian K. Akashian*

*Property Located at: 32 Pine Hill St 01852*

*Applicable Zoning Bylaws: Section 5.1*

***Petition: JMF Realty, LLC has applied to the Zoning Board of Appeals seeking Variance approval to subdivide an existing lot (Lot 2) containing a single-family structure and construct a new single-family home on the new lot (Lot 1). The subject property is located in the Traditional Multi-Family (TMF) zoning district. Lot 1 and Lot 2 require Variance approval pursuant Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, and minimum frontage requirements, and any other relief required under the Lowell Zoning Ordinance.***

On Behalf:

Brian Akashian, Applicant's Attorney

Speaking in Favor:

None

Speaking in Opposition:

Gregory Moran, 33 Prospect Street

G. Moran said that parking is always an issue in that neighborhood. The neighborhood is very crowded. Taking away a lot of urban vegetation. Privacy is a concern. Does not know how adding another house adds value. Seems like we're taking every piece of property and shoving a house in there.

Discussion:

S. Callahan asked whether they had reached out to neighbors. B. Akashain said that he had spoken with neighbors. S. Callahan said it is a tight neighborhood. S. Callahan noted that there is not much of a landscape plan.

Michael Faras, the Applicant, said that the trees need to come out to build the house. The plan is to plant trees in kind, the same number as those that are removed. He would be open to arborvitae along the rear chain link fence. S. Callahan said that would be beneficial. S. Callahan said he would like to add a condition that requires a landscape plan with proper shading in the back with trees.

M. Faras said the street tree can be saved. D. McCarthy noted that the landscape plan should include the preserved street tree.

M. Briere said he has a positive perspective after visiting the site. The plan seems consistent with the thoughts of DPD and fits within the character of the neighborhood.

R. Njoroge noted he is also interested in seeing a landscaping plan and ensuring parking spaces are compliant.

G. Procope added he would want to see green space prioritized at this site.

Motion:

**ZBA-2022-10**

*Petition Type:* **Variance**

*Applicant:* **Niranjan Bhagat**

*Property Located at:* **45 Katherine Dr 01854**

*Applicable Zoning Bylaws:* **Section 5.1**

*Petition:* **Mr. Niranjan Bhagat has applied to the Zoning Board of Appeals to construct an addition to his single family home at 45 Katherine Drive. The property is located in the Suburban Single Family (SSF) zoning district, and requires one variance for Maximum Floor-Area-Ratio under Section 5.1, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

D. McCarthy motioned to continue the hearing to March 28, 2022. The motion was seconded by S. Callahan and passed unanimously, (5-0).

**III. Other Business**

Special Permit Extension: 83 Boulevard St 01854

The applicant is seeking an extension for their Special Permit which was initially granted in April 2019. The applicant is seeking to expand the existing substation at 83 Boulevard Street. The project has been delayed due to Covid related construction and inflation issues. The applicant received a Variance as well at the time of the decision, and they will be refile for a new Variance approval. The special permit granted under the Project is scheduled to expire on July 12, 2022, and because construction will not commence until after such permit is scheduled to expire, MEC requests that the special permit be extended to October 31, 2023.

On Behalf:

Joshua Lee Smith, Applicant's Attorney

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan said that the applicant has shown good cause and understands that they need a new variance approval. J. Lee Smith said that they would be applying for new variances as they get closer to the date of commencement of construction.

D. McCarthy said that the plans are going to be three years old and he is not sure if stormwater regulations will have changed during that time.

Motion:

D. McCarthy motioned to approve the Special Permit. The motion was seconded by G. Procope and passed unanimously, (5-0). The Special Permit approval was extended to October 31, 2023.

38-40 Swift Street

This item was continued to the 3/14/2022 meeting but was excluded from the agenda in error. D. McCarthy motioned and S. Callahan seconded the motion to continue this item to the 3/28 ZBA meeting.

**Minutes for Approval:**

2/28/2022 meeting minutes

D. McCarthy motioned to approve the minutes, seconded by S. Callahan. The motion passed unanimously, (5-0).

**IV. Adjournment**

*Per Order of the City of Lowell Zoning Board of Appeals – Gary Perrin, Chairman*

*New business to be advertised by February 27, 2022 and March 6, 2022.*