

Lowell Zoning Board of Appeals Minutes

June 8, 2020 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: Chairman Perrin, Member Pech, Member Callahan, Member Briere, Member McCarthy

Members Absent: None

Others Present: Jared Alves, Senior Planner

The following represents the actions taken by the Zoning Board of Appeals at the 6/8/2020 meeting. Due to the COVID-19 pandemic, this meeting occurred using the GoToMeeting videoconferencing platform.

Chairman Perrin called the meeting to order at 6:30pm.

I. Continued Business

ZB-2020-21

Petition Type: **Variances**

Applicant: **Catherine Flood c/o Emerson 100 Real Estate, LLC**

Property Located at: **246.1 Market Street 01852**

Applicable Zoning Bylaws: **Sections 6.1.4 and 9.2.5(3)**

Petition: **Emerson 100 Real Estate, LLC is seeking Special Permit and Variance approval to convert the former mill building at 246.1 Market Street into residences. The building is in the Downtown Mixed-Used (DMU) zoning district and requires Special Permit approval under Section 8.1 to convert the building into 29 residential units, a Variance under Section 9.2.5(3) for 17 one bedroom or studio apartments smaller than 750 sq. ft., a Variance under Section 6.1.4 for the off-street parking requirement, and for any other relief required of the Lowell Zoning Ordinance. The applicant has requested a continuance to the June 22, 2020 meeting.**

Speaking on behalf:

None

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and V. Pech seconded the motion to continue the hearing to the June 22, 2020

meeting. The motion passed unanimously, (5-0).

ZB-2020-26

Petition Type: **Variance**

Applicant: **Peter Marlowe c/o Louis Gagnon**

Property Located at: **776 Lakeview Ave 01850**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Peter Marlowe has applied for Special Permit, Site Plan Review, and Variance approval on behalf of Louis Gagnon at 776 Lakeview Ave. The applicant is seeking to convert the second and third floors of AG Hardware store into ten (10) residences. The property is in the Neighborhood Business (NB) zoning district. The proposal requires Special Permit approval per Section 12.1(e) and Site Plan Review approval per Section 11.4 from the Planning Board to create more than three (3) dwelling units, Variance approval from the Zoning Board per Section 5.1 to exceed the maximum FAR, and for any other relief required of the Lowell Zoning Ordinance.**

Speaking on behalf:

Peter Marlowe, Applicant’s Representative

Anthony Nganga, Studio 26 Architects

Louis Gagnon, the Applicant

Mr. Marlowe said it has been two weeks since the last meeting. He met onsite with Joe Cady in the Engineering Department. The meeting included their civil engineer, Pat Flaherty, and Anthony Nganga, the Architect. Unfortunately, they just finished the plan today at 12 PM. He sent it to Francesca and she circulated it to all her members and Joe Cady. He believes they met all the requirements and questions that they were asking. They decided to extend city sidewalk down Island Street until reach a proposed crosswalk that would go across and hit the two handicap spaces. The plan shows snow storage and a dumpster. They have 45 parking spaces. He also talked with the stormwater team through Francesca. They were able to find that they needed to retain 1 hr. of a 24 hr., 5-year storm. They have proposed two catch basins in the areas on the site plan. They added some islands with plantings and trees. They have designated enter in and exit out in two locations.

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

Member Pech said he doesn’t have any comments at the moment, but he reserved the right to comment later.

Member Callahan thanked Mr. Marlowe for providing the updated site plan. His concern at the last meeting was the layout of the apartments and the size of the units. He wanted to see if something could be done to make larger units. He brought up concerns that original renderings didn’t show laundry. The renderings show laundry.

Mr. Marlowe said they added laundry and closets.

Member Callahan said he likes the concepts. With laundry unit added in it reduces one of the units.... two units from 759 and 700 sq. ft. to less. That's not what he was hoping or expecting. He wanted to see bigger units. He is not saying that it is fatal. He gets leery when he is starting to see units of smaller sizes, stuffed in. It's a greater concern for him now with the COVID pandemic. He was thinking bigger units even with a laundry room or in-house laundry. What he is looking to find out, hoping to see what could be done to adjust the units. He wants bigger units in size. Now the new renderings are smaller units and a laundry room.

Mr. Marlowe said that the average 1-bedroom has decreased in size over the years.

Mr. Nganga said he is the architect for the project. The question is about the size of the units. When they spoke last time, Member Callahan mentioned that and the configuration of the units. He spent some time reconfiguring the layouts. Now the layouts look more regular in terms of the shapes of the units and shapes of the rooms. He made an effort to have at least one storage closet in each unit. He also showed a built-in closet in each bedroom. He knows they talked about getting bigger units and reducing the number. In terms of the economics and the kind of tenancy the owner is looking for... this is the type of market he understands. The units are fairly comfortable. That square footage for a one-bedroom and where it is located is a good size.

Member Callahan said that's fine by him. From his own perspective he sees smaller and smaller units. he gets a little leery.

Mr. Nganga said they have seen the trend towards small, compact units. They are not moving towards a unit that does not have everything it needs. They are now providing common laundry that is on each floor. He has seen projects that are much more squeezed than what they are providing. The trend now is to move from the grand accommodation and make it more compact and more affordable.

Member Callahan said that looking at it again... he saw one area unit that had an entry door going right into a column. That has been fixed. He understands the need to work with what they've got. He wanted to ensure that everything has been explored and done. This may be the best that could come out of it. He thinks it will be a great project. He can be in support of this application.

Member McCarthy said the improvements on the plans go a long way to answering the comments. Not to nitpick on the floorplans, he would like to spend a minute on them. For the second/third floor plan there is a column shown in unit 5 that doesn't have a column grid associated with it. He asked if it's an oversight. The spans at unit 1 and part of unit 5 seem to be quite long. He asked if there is another column line that should be there.

Mr. Nganga said there is a column around where the text is. Going further up, he asked about column line F.

Member McCarthy said it's about column C or D. It doesn't seem like the column lines... have a column in unit 3 between C and D on grid line 2. There seems to be columns not showing up with delineated column grids.

Mr. Nganga said that the area is fairly open on the second floor and on the third floor. You can see that some of the structure was put in afterwards. There are places with structural beams. He is not sure why some places have a break. Somewhere around stair one where a wall might be a bearing wall. He can't

tell at this point. He thinks they will need to refine the plan further once they clean out some of the stuff inside.

Member McCarthy said it's mostly about the size of the units and hallways and egresses, but most likely will be changes to accommodated structure.

Mr. Nganga said that they will make changes to accommodate the structure, but there are also places where the floor level/height changes because of steps, etc.

Member McCarthy said that he wants to make sure that everyone is on the same page. He agrees that the structure is not resolved.

Mr. Nganga said that the way the building was built, it was not built as one structure. That's why the grid is not regular. There were several additions.

Member McCarthy said he would like to discuss the egress plan. It helps resolve the door openings onto the sidewalks. He noted that they recessed the entries on both cases. That's a wonderful scenario to prevent people from bumping into each other. He asked if that's a foundation issue. There's a basement right.

Mr. Nganga said there is a basement. For example, stair one there is a small bump out. He's not sure whether it exists in the basement. He believes that the bump out is only single story and doesn't go into the basement. The stair is in the current location, but it's very steep. He is showing with a winding stair a way to mitigate the impact to the hardware store. Once open it up may need to make it a L stair.

Mr. Marlowe said that the second floor is currently a kitchen showroom, so that's why it's hard to see 100% what's in there with all the beams. Once they remove the showroom and the dry wall, they will see what they need to do.

Member McCarthy said that the plans have not gone through the review of the initial set. They don't have comments from the transportation engineer, building department, etc. that reflect what they are reviewing today. The comments from the city reflect the original set.

Mr. Nganga said they recessed the doors based on the original comments. The plans they reviewed at the last meeting had those recessed doors.

Member McCarthy said he is looking at the comments from the building department and they are stating that they want to see the egress resolved. In any event, these plans are schematic in nature and once they do the deep dive for the structural review, they will be able to determine how to approach these recesses. What the board may approve are schematic in nature.

Mr. Nganga said that's correct. The building department will review and they will need to further refine the plans. On the other entrance on Lakeview Ave, they are trying to solve the issue of having the door open on the side facing the club. That area there might be owned by the club. He is confident that they can have a door that opens onto Lakeview Ave. He didn't recess them too much to avoid having a hidden pocket.

Member McCarthy said he is confident that the architect can solve the issues that is relatively not too

painful and is cost-effective. He moved onto the site plan. There are a number of comments that seem to be resolved. The sidewalk from Lakeview Ave and goes up along the building and is extended down with curbing.

Mr. Marlowe said that's correct.

Member McCarthy and it stops and crosswalk comes across to an end of an island. The island stops rather than continuing down to maybe incorporate the crosswalk. By ending the island, it looks like a car might go through where the crosswalk is.

Mr. Marlowe said they can address it. Joe Cady wanted them to get it as close as 768 Lakeview Ave. He doesn't want to have cars going through there. They can add a bollard.

Member McCarthy said they should add some kind of barrier to eliminate vehicular access. The islands themselves, have five trees shown. He asked if the five trees are what is required. A note on the plan says that they will add landscaping to comply with City of Lowell regulations and criteria. He said there should be a tree every five cars or so.

Mr. Marlowe said in the past they have worked with DPD. Put a package together showing the trees and planting schedule. His projects always look good. He is big on landscaping.

Member McCarthy said he noticed in the application that they are looking for a waiver on site plan, landscaping, and lighting.

Mr. Marlowe said not anymore. He thinks they meet everything now. Francesca wrote it up that way, but they have solved the problems. Have parking, landscaping, snow storage, run-off, stormwater, and proposed dumpster location.

Member McCarthy said they do, sort of. He thinks the landscaping plan doesn't have 5% greenspace or the trees per 2,000 sq. ft. He's saying that they will comply, but the landscaping plan is schematic in nature and a baseline showing their intent.

Mr. Marlowe said that's correct.

Member McCarthy said his confidence in the project being successful is Mr. Marlowe's history. He might not feel quite as comfortable with this plan with someone else. He said that the plan doesn't show grading. It's a floodplain and there might be problems with puddles after heavy rains.

Mr. Marlowe said they will shoot the grades. When walked through with Joe the other day. The whole hot top will come up and the how driveway area will be re-graded.

Member McCarthy asked if it will be possible that they will be increasing green space. Snow storage labels don't specify if those areas will be green space. He would love them to be pervious to facilitate infiltration.

Mr. Marlowe said they could be.

Member McCarthy said he would love to have a site plan showing greenspace at least at the 5% required by Lowell's zoning. The gate that exists on Lakeview Ave, 72.2 dimension for that lot length.

Mr. Marlowe said that's an area they keep going back and forth with. For the time being they would like to keep it secure and not do a curb cut.

Member McCarthy said that today there is a curb cut.

Mr. Marlowe said he wasn't aware of that.

Member McCarthy said that because Lakeview Ave tends to have a lot of traffic at the light. He wonders if it would be better to have access at Island Street.

Mr. Marlowe said it's not 100% ideal. There are so many triangles and little pieces added over the years. They did the best they could.

Member McCarthy said that he is sure that it would evolve as a schematic plan would. He wants to be clear about what they are approving as far as of the access points. The only in and outs that they will approve are on Island Street and access to the City of Lowell lot. If there is an overwhelming reason for a safety reason to have the gate and access with the curb cut onto Lakeview Ave, but his gut feeling is to keep the traffic onto Island.

Mr. Nganga asked if they are comfortable with keeping as is with the gate locked.

Member McCarthy said yes. He would approve the plan without access onto Lakeview Ave. They don't show any site lighting.

Mr. Marlowe said that site lighting... on all of their buildings they have been adding LED wall packs on the buildings adjacent to the lots. that has given them more than enough lighting. They would mount them to the existing building, to the back of 768 Lakeview Ave to light the parking lot.

Member McCarthy said he doesn't see it being successful in spots 1, 2, 4, and 9.

Mr. Marlowe said if they have to, they can put up a pole down at the triangle at the end of the island.

Member McCarthy said maybe even spots 26, 27, and 28 too. Those spots are more remote. He is not sure what lighting exists off of the passageway. They should be responsible on this site to create a safe lighting plan. He would condition on potentially adding lighting poles to alleviate any dark spots in the parking lot.

Mr. Marlowe said that's fine.

Member McCarthy asked about signage to create safety for the pedestrian experience. He said the applicant has done a wonderful job responding to all of the comments.

Mr. Marlowe said he didn't realize how fast two weeks go by.

Member McCarthy said item 12 from the comment memo. It is mainly talking about the sidewalk. That's taken care of. He thinks they are all set with the sidewalk.

Mr. Marlowe said there is a city sidewalk with a curb, so they will extend it all the way up.

Member McCarthy said that makes a lot of sense. He looks forward to the project. It will be wonderful work. This building will only get better. The improvements for landscaping and lighting will go a long way too.

Chairman Perrin asked to confirm the two conditions.

Member McCarthy said they will need to work on landscaping. He proposes a condition that there is no less than 5% minimum required for the landscaped area in the parking area. The second is adding up to two light poles to provide safe lighting for the new parking.

Member Briere said that when they last met, he expressed concerns about #12 of the DPD memorandum and the sidewalks. Mr. Marlowe has addressed those concerns. He has satisfied the City Engineers. He wholeheartedly supports the project. Another great addition to Mr. Marlowe's portfolio in Centraville.

Chairman Perrin said that since he was absent last meeting, he reviewed the meeting and the minutes. Some of the concerns that he was looking to address, Member McCarthy has addressed. He appreciates the architectural comments, especially as relates the columns. he is not surprised that Mr. Marlowe is going forward with another project in his beloved section of the city in Centraville. He is assured by his professionalism and that the comments have all been answered. They have accepted the conditions brought forth.

Member Callahan noted the comment from DPD about the signage in the rear of the property, general comments #6. He presumes the signage would stay because of the business.

Mr. Nganga said he is not sure what sign was talked about. One on the façade of the building will be removed because that's where they will install windows. The one on the roof will stay.

Mr. Gagnon said that's correct.

Mr. Nganga said that the signs on the other facades will be affected to accommodate windows too.

Member Callahan asked about the barb wire.

Mr. Nganga said they haven't discussed the barb wire. It is something that they will review with the owner.

Mr. Gagnon said the only reason it is there is because there were problems with youngsters jumping on the roof. They followed a suggestion to put it in. He is amenable to another suggestion that doesn't make it look like Stalag 13. It did stop the problem. They were cutting the roof. It is only a single story at that point. It was getting all the merchandise wet. One Saturday night they lit the whole corner on fire. The last thing that was suggested was that. He didn't like it but it did stop the problem.

Mr. Marlowe said it's amazing the few problems they would have in construction today because kids walk by the project and they are just looking at their phones.

Member Callahan said that there are more fun things on their phone than jumping on roofs. That explanation makes perfect sense.

Member McCarthy said he is looking at the elevations. They depict signage on a number of locations, but they don't depict signage on the roof.

Mr. Nganga said that the elevations don't show any of the signage. When they develop it further, he can show the signage that will remain. He only showed the signage on the corner at Lakeview and Island. He assumes the size may need to change. On the Lakeview Ave elevation they are proposing some larger signage.

Member McCarthy said they submitted drawings indicating signage, but may not be the intent.

Mr. Nganga said that he mostly focused on the Lakeview Ave signage. Anything up above... there is nothing that he depicted accurately in terms of signage. He will probably show some things a little better. Like the communications towers. Although they are not proposing to change anything there.

Member McCarthy said that the elevations don't necessarily indicate the intent of signage.

Mr. Nganga said that most of the time signage gets to be an approval on its own right. When it gets to that part, they will make an application for the signage.

Member McCarthy said that most likely they will be changing some of it because it would be in the middle of windows.

Mr. Nganga said that once they start stripping out the metal panels, they may be touching the roof. All that will come into play. Some of the signage has been there for a while. It may be a small project on its own.

Member McCarthy clarified that signage will be developed based on existing conditions.

Mr. Nganga agreed. Sometimes a project gets borne out of an idea created really quickly. They don't want to spend too much money from the owner without knowing how the Board feels.

Motion:

S. Callahan motioned and M. Briere seconded the motion to APPROVE the Variance under Section 5.1 with these conditions:

1. The applicant shall submit an updated site plan showing landscaping within the parking area that totals at least 5% of the gross parking area, per Section 6.1.9.
2. The applicant shall work with DPD to add light poles within the dark areas of the parking lot.

The motion passed unanimously, (5-0).

II. New Business

III. Other Business

Minor Modification Request: 9-15 Pearl Street 01852

In 2015, Julio Rodriguez received Special Permit approval to convert an existing auto repair establishment

into a six (6) unit residential structure at 9-15 Peal Street located in the Downtown Mixed Use (DMU) zoning district. The applicant is now seeking to modify condition of approval #7, "No parking shall be allowed on site," by including a 15-minute parking space next to the building for the residents' use.

Speaking on behalf:

Julio Rodriguez, the Applicant

Mr. Rodriguez said that on May 28 he showed the site plan of the parking. However, some of the members didn't agree with the size of the parking, so he has submitted a revised plan showing a 9x18' parking spot. The rest of the area will be greenspace. It is important to have temporary parking so that the tenants have an area to safely load/unload groceries or get picked up if they need to go to doctor's appointments or anything of that nature.

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

Member Callahan said that he didn't see too many issues with granting the modification. He understands that some of his fellow members wanted additional information. He thanked the applicant for the updated site plan. It seems to be a minor modification.

Member McCarthy said he quite happy to see the updated site plan that limits the paved surface to only what is required for the parking space. It does show a 3' dimension as required by zoning. He said it's impossible for that 3' to add up because of the stair egress. He asked what the 3' indicates.

Mr. Rodriguez said that the surveyor believed it is a requirement to have a buffer between the driveway and the city line.

Staff clarified that a 3' buffer is generally needed for new construction, but that such a buffer is not necessary here because the space dimensions are grandfathered in.

Member McCarthy said he would condition approval on the applicant submitting a revised site plan that removes the 3' buffer. He is glad that there is space reserved behind the paved parking space. It should go a long way to mitigate the infiltration problems.

Member Briere said he has no questions.

Member Pech thanked the applicant for the updates. It's a minor modification. It's a positive addition to

the site and the project.

Chairman Perrin said they have the one condition from Member McCarthy.

Mr. Rodriguez said he agrees with that condition.

Member Callahan asked whether they can condition a minor modification.

Staff said that the Board may add conditions on a minor modification.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion stating that the changes are not substantial or material and that they represent a minor modification with one condition:

1. The applicant shall submit a revised site plan that removes the three-foot buffer for the parking space as the alley does not have sufficient width to accommodate the buffer.

The motion passed unanimously, (5-0).

Minutes for Approval:

May 28, 2020

S. Callahan motioned and V. Pech seconded the motion to APPROVE the May 28, 2020 minutes. The motion passed unanimously, (5-0).

Further Comments

SC asked about the extension. Second extension for a property. Only allowed to

V. Adjournment

S. Callahan motioned and D. McCarthy seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 7:41 PM.

New Business to Be Advertised by May 24, 2020 and May 31, 2020

