

Lowell Zoning Board of Appeals Minutes

June 26, 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 Procope, Member Hovey, Member Nickerson

Members Absent: Chair Pech

Others Present: Dylan Ricker, Associate 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 6:33 PM

I. Continued Business

ZBA-2023-7

Petition Type: **Variances**

Applicant: **Mary Burns**

Property Located at: **209 Gibson Street, 01851**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Mary Burns has applied to the Lowell Zoning Board of Appeals seeking approval to construct a single-family home at 209 Gibson Street. The subject property is located in the Traditional Single Family (TSF) zoning district. The project requires Variance approval per Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, minimum frontage, minimum side yard setback, and maximum floor area ratio (FAR) requirements, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

John Geary, Applicant's Representative

JG asked if Member Nickerson has reviewed the public hearing. JN said he has not viewed the prior meeting and will not be voting. SC said the approval would require a 4-0 vote. JG asked if the Board would accept a continuance. SC said in fairness to applicant and public he would support a continuance until a full board can be present.

Brian Milisci, Applicant's Engineer

Speaking in Favor:

Speaking in Opposition:

Discussion:

DM said he would like to give consideration to members of the public in attendance tonight and give them the opportunity to be heard tonight.

MB said he would support a continuance to a future date. GP agreed that he would support a continuance since 2 members are absent.

SC explained the role of the Board and stated that he would like input from all Board members.

JG said the client would like to continue. JG said he would

Motion:

DM motioned to continue to 9/11 ZBA meeting. Seconded by GP. Motion passed unanimously, (4-0).

ZBA-2023-11

Petition Type: **Special Permit**

Applicant: **Farid Geha**

Property Located at: **459 Broadway Street, 01854**

Applicable Zoning Bylaws: **Section 4.5**

Petition: **Farid Geha has applied to the Lowell Zoning Board of Appeals seeking approval to increase the number of cars that can be sold at 459 Broadway Street. The subject property is located in the Urban Mixed-Use (UMU) zoning district. The proposal requires Special Permit approval pursuant Section 4.5 for an extension of a non-conforming use, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

SC asked if the petition can be withdrawn. DR said no since it was not requested by the applicant.

SC said the denial was for the failure to appear before the ZBA.

Motion:

DM motioned to deny seconded by GP. Passed unanimously, (4-0).

II. New Business

ZBA-2023-16

Petition Type: Variances

Applicant: Jose Herrera

Property Located at: 17 Burns Street, 01852

Applicable Zoning Bylaws: Section 5.1, Section 5.2.1, Section 6.1

Petition: Jose Herrera has applied to the Zoning Board of Appeals seeking approval to convert the existing 4-family residential structure to a 6-family residential structure at 17 Burns Street. The subject property is located in the Traditional Multi-Family (TMF) zoning district. The proposal requires Variance approval from the Zoning Board of Appeals per Section 5.1 for relief from the minimum lot area per dwelling unit, and minimum usable open space per dwelling unit requirements, per Section 5.3.1 for relief from the landscaped open space requirement, per Section 6.1 for relief from the minimum off-street parking requirement, minimum parking space dimensional requirements, and maximum curbcut requirement, and any other relief required under the Lowell Zoning Ordinance. The application also requires Site Plan Review approval from the Lowell Planning Board per Section 11.4, and Special Permit approval from the Lowell Planning Board per Section 11.3 and Article 12.1.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

SC said he wanted to be sure the public is aware of the date of the hearing.

DM noted the signage at the site was insufficient, it was not legible from the ROW and was missing the site plan. DM asked staff to make the applicant aware.

MB agreed with DM. GP agreed and said the sign was not adequate.

Motion:

DM motioned to continue to the 8/14 ZBA meeting. GP seconded. The motion passed unanimously, (5-0).

III. Other Business

854 Andover Street, 01852: Variance Extension

Eric Mojica has applied to the Zoning Board of Appeals seeking an extension for the Variance granted on May 23, 2022.

On Behalf:

Erin Mojica, Applicant

EM said that their home renovation is being phased and this why the garage portion have not been completed yet. The Variances were for the garage portion which they will now complete.

Discussion:

MB expressed support.

GP said he is in favor of granting the extension.

JN said he is in favor of the extension.

DM clarified the extension is for 6 months. EM confirmed and said it is her intention to move forward once the Board votes.

Motion:

DM motioned to extend the Variance for 6 months, MB seconded. Motion passed unanimously, (5-0).

17 Montreal St; 264-266 Plain St: Administrative Review

Administrative Review to review compliance with the Special Permit approved September 27, 2022 and compliance with outstanding conditions of approval.

On Behalf:

Catherine Flood, Applicant's Representative

CF said she reviewed DPD comments, and said most comments have been addressed. CF said the access to property is located off of Plain St and correspondence has been sent to the tenant explaining access is to be off of Plain St and told the tenant of hours of operation. CF said the landscaping has been installed and the fence was installed. CF said the drainage was installed in 8/2022, and they are trying to get clarification from the stormwater team regarding the oil separator. CF said stormwater said they were unnecessary. CF said the paving is slightly over

what was approved by the Board and the applicant will be removing additional paving and a new as built plan will be submitted to reflect the new correct amount of pavement.

Discussion:

DM asked for the date the approval happened for the Special Permit. CF said roughly 2 years ago. DM said there was a 6 month admin review and there are still open issues. DM expressed concern about trusting that this work will be done. DM said he would support an additional admin review to hear the stormwater response and review the as built. DM requested an additional 3 month admin review.

MB asked if the applicant is ok with the 3 month admin review. CF agreed.

GP asked why the oil separators were delayed. CF said she is not sure why they were not installed. CF said she will verify why the oil separators were not installed and may have to request a modification to the approval.

JN agreed that a 3 month admin review would be appropriate.

DM added that he believed there was a City comment requesting the oil separators and would like clarification. CF clarified the two outstanding items.

Motion:

DM motioned to add a second admin review on the 9/25 ZBA meeting. MB seconded. Motion passed unanimously, (5-0).

Minutes for Approval:

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DM motioned to approve, seconded by GP. Passed unanimously, (5-0).

DM said he attended the Lowell Forward public forum and expressed support for the outreach and praised Utile's efforts. DM noted the Master Plan is the initial step in what will hopefully lead toward Zoning that makes sense for additional housing in the City.

D. McCarthy motioned and M. Briere seconded the motion to adjourn the meeting at 7:12PM. Passed unanimously, (5-0).