

# Lowell Zoning Board of Appeals Minutes

**June 28, 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](http://www.LTC.org).

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

**Members Absent:** None

**Others Present:** Fran Cigliano, Senior Planner; Jess Wilson, Associate Planner; Dylan Ricker, Assistant Planner; Peter Cutrumbes, Assistant Planner

*The following represents the actions taken by the Zoning Board of Appeals at the 6/28/2021 meeting. Due to the COVID-19 pandemic, this meeting was a hybrid meeting and occurred in-person, and via Zoom videoconferencing platform.*

*Chairman Perrin called the meeting to order at 6:31pm. Chairman Perrin announced that Member Robert Njoroge was participating remotely.*

## **Continued Business**

### **ZBA-2021-16**

*Petition Type: Variance*

*Applicant: Jason, and Meghan Sheehan*

*Property Located at: 97 Hovey Street, 01852*

*Applicable Zoning Bylaws: Section 5.1*

**Petition: Jason, and Meghan Sheehan have applied to the Zoning Board of Appeals seeking Variance approval to construct a front porch, and second story addition at the existing single-family home at 97 Hovey Street. The subject property is located in the Suburban Single-Family (SSF) zoning district. The project requires Variance approval per Section 5.1 for relief from the minimum front porch setback requirement, and any other relief required under the Lowell Zoning Ordinance.**

### On Behalf:

Jason Sheehan, Applicant

97 Hovey Street

J. Sheehan stated that he is participating via zoom. J. Sheehan said that and his wife are looking to expand their 2 bedroom, 1 bathroom home into a 4 bedroom, 3 bathroom home to accommodate their growing family. J. Sheehan added that they are also seeking to add a front porch which would be 14.8 feet from the street, the home is currently 21 feet from the street. J. Sheehan stated that this is a large project which will allow he and his wife to remain in their home and neighborhood long-term. J. Sheehan added that the front porch would be used as a place to relax on warm evenings.

### Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech stated that this project is doable, and understands why the applicant is doing the work. V. Pech stated he has no concerns and wished the applicant the best of luck.

S. Callahan stated that this project is straight-forward and said that the second story addition meets all zoning requirements. S. Callahan added that the front porch only requires 1 foot of relief, and said that the petition meets the criteria for a Variance.

D. McCarthy said that the project will provide a nice transformation to the property which will look similar to many of the homes in the neighborhood. D. McCarthy asked the applicant about his intent for the front porch. J. Sheehan stated they have no intention of finishing the front porch in the future, and the only additional work they may do to the porch would be to add a screen. J. Sheehan said the porch would serve as a farmer's porch used to sit outside and relax.

D. McCarthy proposed the condition that the Variance approval apply strictly to an open porch, and that the porch should not be closed in with anything other than a screen. J. Sheehan agreed to this condition, and stated that it fits with their intended use for the porch.

D. McCarthy stated that the site plan omits the stairs, and this should be updated as a condition of approval. J. Sheehan agreed to the condition. D. McCarthy said he supports the petition.

M. Briere complimented the applicant on the restraint shown on the relief being sought. M. Briere asked for confirmation that the project received Conservation Commission approval. J. Sheehan confirmed this. M. Briere stated that he supports the petition.

G. Procope agreed with fellow Board members, and said the project will not have a negative impact on the neighborhood.

R. Njoroge agreed with fellow Board members, and said the relief being sought is minimal. R. Njoroge cited DPD comments stating that other properties on the street have similar setbacks, and supported the petition.

G. Perrin agreed with fellow Board members, and said this was a wonderful project. G. Perrin stated that homeowners investing in their properties is positive for the City. G. Perrin confirmed that the applicant was in agreement with the proposed conditions. J. Sheehan agreed.

Motion:

S. Callahan motioned to approve the Variance with the following conditions:

- 1) The porch must remain an open area, and can only be enclosed with a screen; and
- 2) The applicant must provide an updated site plan with the correct number of stairs.

V. Pech seconded the motion, and the motion passed unanimously, (5-0).

**New Business**

**ZBA-2021-20**

*Petition Type:* **Special Permit**

*Applicant:* **Nucar Lannan**

*Property Located at:* **831 Rogers Street, 01852**

*Applicable Zoning Bylaws:* **Section 6.3**

*Petition:* **Nucar Lannan has applied to the Zoning Board of Appeals seeking Special Permit approval to erect an internally illuminated sign at 831 Rogers Street. The property is located in the Regional Retail (RR) zoning district and requires a Special Permit per Section 6.3, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Philip Naffa, Applicant's Representative

P. Naffa stated the applicant is seeking to erect new signage at the subject property and replacing the old signage because a new owner is being added. P. Naffa said there is a lot of open space on the building face and many people will likely not notice the additional signage.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan stated he does not see any major issues with the application, and asked what hours of operations for the business. P. Naffa said the current sign is lit based on the current City requirements from the previous Board hearing, and this will continue. S. Callahan stated the usual condition for internally illuminated signage is that the hours of illumination are set to one hour before sunrise to one hour after sunset or close of business, whichever comes later. P. Naffa agreed to this condition.

M. Briere said he supports the petition.

G. Procope agreed with fellow Board members, and stated the application is straight-forward and does not derogate from the neighborhood.

V. Pech agreed with colleagues and said he is in support of the petition.

R. Njoroge said the application meets the requirements and he has no issues granting a Special Permit.

D. McCarthy said the restraint shown by the applicant is good. D. McCarthy asked P. Cutrumbes whether the square footage of the signs meet the allowed requirement, or if they would require relief. P. Cutrumbes stated the sign meets the dimensional requirements under the zoning ordinance, including the pylon sign.

D. McCarthy clarified that both sides of the pylon sign will be updated. P. Naffa confirmed this.

Motion:

S. Callahan motioned to approve the Special Permit with the following condition:

- 1) The hours of illumination are set to one hour before sunrise, and one hour after sunset or close of business, whichever comes later.

D. McCarthy seconded the motion, and the motion passed unanimously, (5-0).

**ZBA-2021-21**

*Petition Type: Variance*

*Applicant: Larkin Real Estate Group*

*Property Located at: 380 Lawrence Street, 01852*

*Applicable Zoning Bylaws: Section 6.1*

*Petition: Larking Real Estate Group has applied to Zoning Board of Appeals seeking Variance approval to construct a 3-story, 35-unit Lodging House at 380 Lawrence Street. The property is located in the Neighborhood Business (NB) zoning district and requires Variance approval per Section 6.1, and any other relief required under the Lowell Zoning Ordinance.*

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Perrin stated that the applicant is requesting a continuance to the August 9, 2021 Zoning Board of Appeals meeting.

Motion:

S. Callahan motioned, and G. Procope seconded the motion to continue the petition to the August 9, 2021 Zoning Board of Appeals meeting. The motion passed unanimously, (5-0).

**Other Business**

**Minutes for Approval:**

June 14, 2021 Minutes

S. Callahan thanked DPD staff for their work taking minutes, especially during zoom meetings. V. Pech agreed with S. Callahan, and added that this meeting will serve as public notice that the 380 Lawrence Street project will have a public hearing on August 9, 2021.

G. Procope stated that it has been a pleasure to meet fellow members.

S. Callahan motioned, and G. Procope seconded the motion to approve the June 14, 2021 meeting minutes. The motion passed unanimously, (5-0).

**Announcements**

G. Perrin stated that he is happy to be back in person, and thanked DPD staff and members for their efforts during the pandemic. D. McCarthy agreed with G. Perrin, and thanked staff for a smooth transition into in-person meetings.

**Adjournment**

S. Callahan motioned, and D. McCarthy seconded the motion to adjourn. The motion passed unanimously, (5-0). The time was 6:58pm.