

# Lowell Zoning Board of Appeals Minutes

**July 13, 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](http://www.LTC.org).

**Members Present:** Chairman Perrin, Member Pech, Member Callahan, Member McCarthy

**Members Absent:** Member Briere

**Others Present:** Fran Cigliano, Associate Planner

---

*The following represents the actions taken by the Zoning Board of Appeals at the 7/13/2020 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.*

*Chairman Perrin called the meeting to order at 6:35pm.*

**I. Continued Business**

**II. New Business**

**ZB-2020-28**

**Petition Type:** Special Permit

**Applicant:** Sopheak So

**Property Located at:** 238 Shaw Street 01851

**Applicable Zoning Bylaws:** Section 4.5.2(2)

**Petition:** Sopheak So is seeking Special Permit approval to convert the former retail store at 238 Shaw St. into a salon. The building is in the Traditional Neighborhood Two-Family (TTF) zoning district and requires Special Permit approval under Section 4.5.2(2) to change from one non-conforming use to another non-conforming use and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Sopheak So, Applicant

S. So: Currently own a salon at 248 Middlesex Street. Trying to relocate to 238 Shaw Street because I have issues with parking. Would like to own my own space.

In Favor:

None

In Opposition:

None

Discussion:

G. Perrin: Have you submitted all of the requirements to the City?

S. So: Yes.

S. Callahan: I generally don't have any issues. I do have a couple questions about some points that were brought up in the comments. In your layout, you have four chairs. You are self-employed with no employees?

S. So: The place on 238 Shaw Street has enough space for four chairs. No additional chairs. As of right now, it's just me.

S. Callahan: What is designated in the back of the shop? Sinks, tables?

S. So: On the right side would be the work station. The left would be a front desk, next to the window would be a waiting area. As of now, I would not have waiting area so that there would only be one client at a time.

S. Callahan: Would the back left be a waiting area?

S. So: The back area would be the washing area. The back right is the bathroom.

S. Callahan: There's only really one designated area for parking.

S. So: There's plenty of space. We can fit more than four cars. I would only take one client at a time so parking would not be an issue.

S. Callahan: Staff mentioned that driving over the pedestrian area would be an issue.

S. So: I can put a sign there for employees only.

S. Callahan: Other than that, I think this is great – a local business person expanding their business. I don't see any issues.

D. McCarthy: I really like the idea of the site going from appliance retail to a salon. Better fit for the neighborhood. The plan shows two access doors - upper right could be successful as a handicap entrance. I think the salon would be more successful would be better when handicapped accessible.

S. So: Anyone who is in a wheelchair can come in through the back door.

D. McCarthy: I'd like there to be handicapped parking reserved near that door. Otherwise you are asking someone to come from the street all the way to use that door. Would that be possible?

S. So: Yes, we could fit that.

D. McCarthy: The density of the neighborhood is not that high that you could absorb some street parking. One question about signage – is your intent to use signage on the building, or would you be using the existing sign frame?

S. So: Would it be okay if I use the old one but put a new salon logo?

D. McCarthy: Yes. One final question – you are moving from Middlesex Street. I looked at that location where you currently are. Is it because you want to be within a neighborhood?

S. So: I've been thinking for a while — I've been there more than 8 years. Parking has been an issue for me and my clients. I also wanted to own my space so I don't have to pay.

V. Pech: I think it's a good reuse and a good project. I wish the business owner good luck.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to APPROVE the Special Permit with the following conditions:

1. The applicant shall designate the parking area at the intersection of Shaw Street and Warwick Street as "Employee Only" parking.
2. The applicant shall install signage for handicapped parking adjacent to the side entrance to the salon.

The motion passed unanimously, (4-0)

**ZB-2020-29**

**Petition Type:** Variance

**Applicant:** Stephen Geary, Esq. c/o St. Mary and St Mina Inc. d/b/a Egyptian Grill

**Property Located at:** 282 Riverside Street 01854

**Applicable Zoning Bylaws:** Section 4.3.5(6)

**Petition:** St Mary and St Mina Inc. d/b/a Egyptian Grill is seeking Variance approval to have a food truck at 282 Riverside St. that is larger than permitted. The property is in the Traditional Neighborhood Multi-Family (TMF) zoning district and the food truck needs variance approval to exceed the maximum allowed length under Section 4.3.5(6) and any other relief required of the Lowell Zoning Ordinance.

**On Behalf:**

Stephen Geary, Applicant's Attorney

S. Geary: The Egyptian Grill operates a food truck in a portion of the paved area on the site. Across from UML. Business has been operating for several years. Run by friends who came over to seek the American dream, from Egypt. Thought the Egyptian food would take off, and it did. Were told by Building Department that it exceeds the maximum allowed length. The reason the old truck is there is for comparison - the new truck is much nicer. They would like to keep the old truck there for another 30 days so that customers know that it is the same business. These are good guys that work hard and fill a niche. Nothing done intentionally to buy and use a bigger truck than what is allowed by zoning. There is a special hardship. It does fit in with the neighborhood. These guys have a great record. I did submit the letters stating that they are in favor of the petition.

**In Favor:**

None

**In Opposition:**

None

**Discussion:**

S. Callahan: Great food. I have a couple questions based on JA's comments. Jared made some suggestions about keeping truck in current location?

S. Geary: No objections. Operating hours are Mon-Sat 10am-10pm.

S. Callahan: Trash management?

S. Geary: The last thing they want is any negative attachment to that project at all. My understanding from talking to a few of the neighbors was that it was a well-run place. Reasonable condition - needs to be picked up 4x a day, trash receptacle outside. They are willing to do anything like that.

S. Callahan: That would be a good idea to help the neighbors out. Try to alleviate that as much as possible.

D. McCarthy: I have a couple questions. I really like this project as well. I'm glad they are thriving to the point that they can expand. Takes food truck piece to a new level. Looks like a beautiful food trailer - improvement from what was there. I noticed that Andrew Doyle lives, not adjacent to property, but the 4th or 5th lot away. You got many letters of support. Shows you are doing a service to the community. The neighbors adjacent to the property aren't saying anything negative. Wish we could address with Andrew Doyle directly. Not sure trash would make it that far down the road. It's at least something to address. I think your condition of 4x trash pickup per day would be a great one. I would also like to talk about parking. November 2020 would be when you would submit parking layout. I'm looking at what currently exists, looks like back of the building wouldn't be paved. If the food truck is getting larger, that would be taking two spaces away.

S. Geary: They have been working with the City on this for quite some time. Will have that done within a few weeks. Almost done. Mark O'Hara is the engineer. There was a delay due to a switch in the engineer.

D. McCarthy: Would like to condition approval on submitting a parking plan that meets Lowell Zoning Ordinance.

S. Geary: I agree. The parking plan should show that it meets the zoning requirements. If not, further relief is needed. I think the first thing would be my client would keep the old truck and store the new one elsewhere unless they can confirm that parking is ok.

V. Pech: I do agree with my colleagues. I think this is a good opportunity for the owners to grow.

**Motion:**

S. Callahan motioned and D. McCarthy seconded the motion to APPROVE the Variance with the following conditions:

1. The applicant shall remove the former truck within 30 days of the Variance being filed with the City Clerk.
2. The new truck shall be kept in its current location.
3. The outside trash shall be attended to at least four (4) times per day.
4. The applicant shall develop a parking plan for the existing residential units. The parking plan shall be in full compliance with the Lowell Zoning Ordinance.
5. The applicant shall work with DPD regarding outdoor seating.

The motion passed unanimously, (4-0).

**ZB-2020-30**

**Petition Type:** Variance

**Applicant:** John Geary, Esq. c/o Daniel F. Hines and Elizabeth Hines

**Property Located at:** 141 Hoyt Avenue 01852

**Applicable Zoning Bylaws:** Section 5.1

**Petition:** Daniel F. Hines and Elizabeth Hines are seeking Variance approval to construct a second-story addition on an existing single-family home at 141 Hoyt Ave. The property is in the Traditional Neighborhood Single-Family (TSF) zoning district and requires Variance approval under Section 5.1 to exceed the maximum allowed Floor Area Ratio (FAR) and for any other relief required under the Lowell Zoning Ordinance.

**On Behalf:**

Stephen Geary, Applicant's Attorney

D. Hines, the Applicant

S. Geary: The applicant is seeking relief regarding FAR. Not changing footprint. Addition of 170 sq. ft. Footprint not changing. Would change FAR by 2%. This was a preexisting use. Building a small addition on top of roof to add bedroom for children. Will not derogate from zoning. This is a common application in front of the ZBA. Does not change anything, except square off a roof and put an addition on top of an existing structure. This is one resolution where they can stay put. It's a close knit neighborhood.

**In Favor:**

None

**In Opposition:**

None

**Discussion:**

D. McCarthy: I think this is a really minor change here. I think the application is very thorough with the exception of the site plan. On the site plan, it looks like a driveway was put in recently.

S. Geary: Put in 2015. It actually is pavement up against the dwelling. I think this is against zoning which asks for a 3 foot buffer from the pavement and house.

D. McCarthy: The site plan you submitted does not indicate that condition. So viewing this application you wouldn't draw attention to this. Site plan doesn't show this. Your plot plan is your "site plan". It doesn't indicate hardscape.

S. Geary: The intent was — since footprint isn't changing. They are just going up. Not expanding the footprint. Site plan beyond that when the request was to simply go up - we didn't think that was necessary.

D. McCarthy: I'm feeling like we should have gone for an additional variance for a nonconforming condition. The application should have indicated this as well.

S. Geary: We would like to add that variance tonight as well.

D. McCarthy: That aside, you will have a 4-bedroom house now?

D. Hines: It would be a larger third bedroom.

D. McCarthy: By adding this bedroom, would add a usable third bedroom. So still a three bedroom house.

V. Pech: I think all my concerns were addressed. Looks like a nice upgrade. It makes sense to me. Adds to the home, neighborhood, and City.

S. Geary: One letter submitted in support of the petition.

**Motion:**

S. Callahan motioned and V. Pech seconded the motion to APPROVE the Variance to exceed the maximum FAR per Section 5.1, and to APPROVE an additional Variance for the minimum setback from the building per Section 6.1.10. The motion passed unanimously, (4-0).

**III. Other Business**

**Minutes for Approval:**

June 22, 2020

S. Callahan motioned and D. McCarthy seconded the motion to accept the June 22, 2020 minutes. The motion passed unanimously, (4-0).

**Further Comments from Members:**

S. Callahan motioned and V. Pech seconded the motion to cancel the July 27 meeting. The motion passed unanimously, (4-0).

**V. Adjournment**

S. Callahan motioned and D. McCarthy seconded the motion to adjourn the meeting at 8:00PM. The motion passed unanimously, (4-0).

**New Business to Be Advertised by June 28, 2020 and July 5, 2020**