

Lowell Zoning Board of Appeals Minutes

August 14, 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: Chairman Pech, Vice Chair Callahan, Member McCarthy, Member Briere, Member Procope, Member Nickerson

Members Absent: Member Hovey

Others Present: Dylan Ricker, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 7/24/2023 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.

Chairman Pech called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2023-16

Petition Type: **Variances**

Applicant: **Jose Herrera**

Property Located at: **17 Burns Street, 01852**

Applicable Zoning Bylaws: **Section 5.1, Section 5.3.1, and 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 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:

S. Callahan read the applicant's email requesting a withdrawal into the public record. S. Callahan asked whether the email is acceptable for a withdrawal. V. Pech said he is okay with accepting the email as a request for withdrawal.

Motion:

D. McCarthy motioned, and S. Callahan seconded the motion to accept the withdrawal without prejudice. The motion passed unanimously, (5-0).

ZBA-2023-19

Petition Type: Variances

Applicant: 65 Wellington Ave, LLC

Property Located at: 65 Wellington Avenue, 01852

Applicable Zoning Bylaws: Section 5.1, and Section 6.1

Petition: 65 Wellington Ave, LLC has applied to the Zoning Board of Appeals seeking approval to split the existing lot into two (2) lots. The existing lot contains a two-family residence, and the applicant proposes to construct a new single-family home on the newly created lot. The subject property is located in the Traditional Single-Family (TSF) zoning district. The application requires Variance approval from the Zoning Board of Appeals per Section 5.1 for relief from the minimum lot size, minimum lot area per dwelling unit, maximum floor area ratio (FAR), and per Section 6.1 for relief from the minimum off-street parking requirement for Lot 1. Lot 2 requires Variance approval for minimum lot size, and minimum lot area per dwelling unit, and any other relief required under the Lowell Zoning Ordinance. The applicant has requested a continuance to the October 12, 2023 Zoning Board hearing.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech stated the applicant requested a continuance to the October 12th Zoning Board meeting. D. McCarthy requested the continuance form be completed by the applicant.

Motion:

D. McCarthy motioned, and S. Callahan seconded the motion to continue the application to the October 12th Zoning Board meeting. The motion passed unanimously, (5-0).

II. New Business

ZBA-2023-26

Petition Type: **Special Permit and Variances**

Applicant: **Valley Properties**

Property Located at: **1201 Bridge Street, 01850**

Applicable Zoning Bylaws: **Section 6.3**

Petition: **Valley Properties has applied to the Zoning Board of Appeals seeking approval to erect two (2) internally illuminated signs at 1201 Bridge Street. The subject property is located in the Regional Retail (RR) zoning district. The proposal requires Special Permit approval per Section 6.3 for internally illuminated signage, Variance approval per Section 6.3 for relief from the maximum size of wall signs, and any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

Laura Pasquarella, Applicant's Representative

L. Pasquarella explained the two proposed signs. L. Pasquarella said the proposed signage is illuminated acrylic letters on backers. L. Pasquarella explained the square footage proposed and the relief required. L. Pasquarella said the building is significantly setback from Bridge Street. L. Pasquarella said there are large obstructions between the road and building including parking, trees, and shrubbery. L. Pasquarella said the company's branding would be difficult to see on the light-colored building, this is why the backer is added which increases the total square footage. L. Pasquarella said the letters in the signage are in line or smaller than other signs at the property. L. Pasquarella said there is a significant hardship due to the obstructions from the street to the building.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Procope asked if the applicant has seen the Economic Development Director's comments regarding the size of the signage. G. Procope said there is significant relief requested, and noted there are obstructions. G. Procope said he is in support, but asked whether the Economic Development Director's comments were taken into consideration. L. Pasquarella said they were reviewed with the business owner and he wanted to move forward as proposed. G. Procope asked about hours of illumination, L. Pasquarella said they would fall within the normal business hours of the plaza. L. Pasquarella said it would be in line with other tenants.

M. Briere said typically the signage petitions are relatively simple, and staff has indicated the signage is too large. M. Briere asked how important the signage is to the businesses' success. M. Briere asked if the backer is included, and asked why not just include the letters. L. Pasquarella said the white color on a tan building does not have good contrast. L. Pasquarella said the backer is included to make the sign more visible. L. Pasquarella said they considered reducing the backer size to come more into compliance, and said it made the signage fit in less with other businesses.

D. McCarthy said he is excited about the businesses moving in, and does not want to inhibit success. D. McCarthy noted there is a pylon sign, and asked if there will be signage there. L. Pasquarella said they would add the sign to the pylon. D. McCarthy said requiring the signage visible from Bridge St is less relevant since the pylon sign will advertise the businesses in the plaza. D. McCarthy said the pylon sign is the solution to identifying business from the street and said once you enter the site you can easily see the signs from the property. D. McCarthy asked if the backer is lit up, L. Pasquarella said the backer will not be illuminated for either business.

L. Pasquarella said the companies brand standards call for a trimless letter. D. McCarthy said branding can be altered to meet zoning requirements. D. McCarthy said he is not willing to go against the comments of the Economic Development Director. L. Pasquarella said the pylon sign is on the southbound side of the entrance. D. McCarthy expressed concern about the backers since other tenants do not have backers. L. Pasquarella said one other business has backers. D. McCarthy said he does not believe the success of the business is reliant on the size of the signage.

S. Callahan thanked the applicant for their presentation and said he recognizes the concerns about the size of the signage. S. Callahan noted the previous Board approval, and said designs would have to go before the City Design Planner per the previous Board approval, and requested the Design Planner issue comments. S. Callahan said he feels the application should be continued.

J. Nickerson said the signs look good, but said he feels the signs could be done differently.

V. Pech thanked the applicant for their presentation. V. Pech said given ZBA member comments, and Economic Development Director comments, he would support a continuance. V. Pech said the applicant can go through with the vote or request a continuance. V. Pech said the overall size of the signage is a concern, and said the size should be reduced.

Motion:

D. McCarthy motioned, and S. Callahan seconded the motion to continue the application to the October 23rd Zoning Board meeting. The motion passed unanimously, (5-0).

III. Other Business

Minutes for Approval:

7/24/2023 meeting minutes

D. McCarthy motioned, and M. Briere seconded the motion to approve the meeting minutes. The motion passed unanimously, (5-0).

IV. Adjournment

D. McCarthy motioned and S. Callahan seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0).

The time was 7:22PM.