

Lowell Zoning Board of Appeals Minutes

August 24, 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: Member Pech, Member Callahan, Member McCarthy, Member Briere, and Member Procope

Members Absent: Chairman Perrin

Others Present: Jared Alves, Senior Planner

The following represents the actions taken by the Zoning Board of Appeals at the 8/24/2020 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.

Vice Chairman Pech called the meeting to order at 6:31pm.

I. Continued Business

II. New Business

ZB-2020-31

Petition Type: **Variances**

Applicant: **Kenneth Lania c/o Mackjack7, LLC**

Property Located at: **56 Hildreth Street & 161 Jewett Street 01850**

Applicable Zoning Bylaws: **Section 5.1**

Petition: **Mackjack7, LLC is seeking Variance approval to modify the existing lots, raze the existing garage building, and construct two single-family homes at 56 Hildreth Street & 161 Jewett Street. Both lots are in the Traditional Neighborhood Single (TSF) zoning district. The proposal requires Variance approval under Section 5.1 for minimum lot width, minimum frontage, minimum front yard setback, and for any other relief required of the Lowell Zoning Ordinance.**

On Behalf:

Kenneth Lania, Cornerstone Land Associates

Mr. Lania said his client purchased the property, which was held in common ownership. Currently, the parcel has an existing set of garages with 8-10 bays in one long narrow building. Access is mostly from Hildreth Street. They are looking to raze the existing structure, split the lots, and construct two single-family homes. The parcel fronting on Hildreth would not require any variances. The second parcel would be 30-ft. in width and that it would gain extra land area to meet the lot area requirements for the TSF zone. The parcel itself would have a frontage variance request as they can only achieve 30 feet. They would also request a lot width variance and a variance for the maximum setback for the front yard. They have chosen to place the dwelling in the rear to allow for a normal size structure. With a lot width of only 30-ft. and setbacks of 17-ft, it would only allow a 13-ft. wide structure. They will use the front yard for a driveway and set the house back in the rear of the parcel. The new structure would meet all the lot setback requirements except for the front yard setback. There is sufficient lot area. He believes the lot itself has a

hardship due to its unique narrow shape and inability to obtain additional land area to either side of the parcel. To the north is an existing duplex and to the south is an existing parking area for building at 50 Hampshire Street. The structures would be in kind with existing neighborhood. The neighborhood is a mix of single-family, duplex, and the apartment structure adjacent to these properties.

In Favor:

None

In Opposition:

MaryAnn Szufnarowski, 43 Hildreth Street (email read into record)

Discussion:

Member Briere asked Mr. Lania if he is in possession of the DPD memorandum.

Mr. Lania said he has it.

Member Briere said he does not believe that the items listed in the memorandum were adequately addressed. He would like the applicant to review them and provide a more informative presentation.

Mr. Lania said the first comment notes the zoning district. Number 2 notes that 161 Jewett St is currently a vacant parcel. It's an existing parcel that is approximately 2,550 sq. ft. It is vacant and overgrown with vegetation. The second parcel is 56 Hildreth Street and it is approximately 6,000+ sq. ft. The existing structure has 10 garage bays in a single-story structure. Ultimately, the goal is to raze that building. Number 3. The proposed front yard setback of 67 feet with the driveway. Ms. Cigliano noted that other properties have smaller setbacks. They looked into this. They proposed the dwelling to be so far setback is to construct a typical size single-family house. The narrow width of the existing parcel, which is only 30-ft. already does not conform to the frontage requirements. He believes that a single-family home on the lot would be of benefit to the need for workforce housing. It also provides sufficient off-street parking for five vehicles. The house would be setback but it would be architecturally in kind. Number 4. He apologized for not putting together a landscaping plan, but he would be glad to do so. The goal would be to screen both sides of the property line, on the south side where the parking exists and the north side along the line with the duplex. Regarding the large trees, they are planning to remove them. They would work with DPD to come up with a landscaping plan for both the single-family lot on Hildreth and the lot on Jewett. 56 Hildreth is currently paved, but their hope would be to remove the pavement and the structure. The gray area on the plan would be the extent of pavement, i.e. the driveways servicing the single-family homes. They agree with limiting the extent of the pavement. He doesn't mind an additional condition to verify that the structures would be in kind with the neighborhood. He believes the conditions from Ms. Cigliano are acceptable. The major concern of the front yard setback distance, would allow the house itself to be more conforming and to allow for off street parking.

Member Briere thanked Mr. Lania for addressing DPD's concerns. He believes that he has done so satisfactorily. He looks favorably on the petition.

Member McCarthy said he appreciates the thoroughness of the application, as far as the format. There are a number of missing items. The letter from Mr. Lania states in paragraph three that granting relief would not substantially derogate from the intent of zoning and would allow for three new family dwellings. The letter as part of the application states three new single family dwellings.

Mr. Lania said that is an error on their part in the office. It's only a two lot development with two total single-family homes.

Member McCarthy said he was struggling to find the third.

Mr. Lania said that originally they were considering accessory dwelling units. After some considerable discussion, he felt it wasn't appropriate to add a unit because it's a congested area. He lives in an offshoot of the neighborhood, closer to Hannaford. He was proposing single-family on Jewett and two units on Hildreth. They reduced each lot to a single-family house.

Member McCarthy said a letter submitted from an abutter stated her disagreement from her petition.

Mr. Lania said he has received that letter. He believes that in this particular case, he agrees that it is a congested area. They looked at in several different ways to determine what would be best for the neighborhood. They felt that with the amount of vehicles and the new sidewalks installed on Hildreth Street, would be okay to add two single-families to reduce the impact on the neighborhood. They are providing excess parking for both lots.

Member McCarthy said they have one neighbor stating that she is against the petition and has cited that there is too much congestion in the neighborhood and so that the Board should oppose the variance. Although that existing lot if it were... the lot were divided it could support a house without a variance even if it were only 13-ft. wide. They could have two conforming structures that are single-family homes even without the variance. They could be looking at two houses regardless. Regarding the congestion piece he believes there are twelve garages today. They are looking at reducing the traffic from 12 garages to a single-family that would have 2-3 cars. He thinks there would be a reduction of traffic flow on Hildreth Street, or at least congestion.

Mr. Lania said he would agree. Most of the garages are used for storage. People store cars in them. Some people in 50 Hampshire Apartment building use them. There is additional storage for offices and that type of stuff. There will be a reduction on Hildreth because folks from 50 Hampshire Street wouldn't park on this lot anymore. 50 Hampshire Street would have access out onto Jewett Street and Hampshire Street as it eliminates the exit onto Hildreth Street, thereby limiting traffic.

Member McCarthy said he sees it that way as well. In the list of things included, they do not have a complete package. Problematic pieces include the adequacy of the site plan and the missing information regarding the structures. He would like to see those pieces before he feels comfortable voting on the variance. He would like to hear more about who it is who is doing the work. His sense is that they are granting a variance for a site plan and his hope is that it is going to a responsible builder. They do not have any indication of the type of structures, landscaping, drainage or greenspace. They have pavement up against the building on the Hildreth Street and so they are missing the driveway setback. The driveway on Jewett Street side is 18-ft. wide and he doesn't know whether that is going to a 2 car garage to justify the width. He would like that information as prerequisites for a complete application. He asked if there is a reason why they are missing.

Mr. Lania said he can't speak to the renderings. He just received them today. Regarding the landscaping, open space he presumed that all the areas that are not gray would be grass and landscaped. He can definitely provide a landscaping plan to DPD.

Member McCarthy said that's not always the case because entrance walkways or rear decks and rear cellar entrances that may not be on the site plan. That would be part of the building plans. All these things are not there. They are looking at a very schematic plan that is not complete and does not meet the requirements that Mr. Lania listed.

Mr. Lania said he would be glad to update the site plan. He would be glad to provide the renderings too.

Member McCarthy would also like to see floor plans that show responsible single-family homes.

Mr. Lania said he would be glad to provide those materials.

Member McCarthy said he would also like to learn more about the intent of the applicant. He feels bothered by the applicant asking for variances and then the applicant sells the property to someone else. It bothers him that they grant variances to people who are not responsible for construction. He asked if the applicant is ready to break ground if the variances are granted.

Mr. Lania said his understanding is that the applicant will do the construction. He doubts they would start it prior to the winter. They would hope to break ground in the spring.

Member McCarthy said that would be his wish. He would like some information about the applicant/developer to confirm that there is a responsible developer.

Mr. Lania said he would get some builder info and a timeline.

Member McCarthy said he would love to see examples too of work by this developer. He likes the application but he feels like he doesn't have enough information with the lack of detail in the site plan that doesn't meet the prerequisites. The lack of information on the building that doesn't meet the prerequisites. He would like to see a continuance.

Vice Chairman Pech read a letter from the abutter received before close of business today. The area is congested and would pose a safety risk to the families in the area. Maryann Szufnarowski, 43 Hildreth Street.

Member Callahan said he shares the same questions as Member McCarthy, especially regarding the renderings. It looks like the buildings may be able to fit in. On the Jewett Street side with the driveway and the garage, and he is wondering where the front porch would be. He wonders where the entryway will be and whether it would encroach on side yard setbacks. Looking at Ms. Cigliano's comments, he would like to know more about efforts made to move the building closer to Jewett Street to fit in with the front yard setbacks of the neighborhood. Seeing the renderings of the dwelling would likely address his concerns. He agrees that they are not prepared to render a decision tonight. He would also like to see a landscaping plan, particularly since they plan to remove two trees. He would also like to see a drainage plan.

Member Procope shared the sentiments of Member McCarthy and Member Callahan. He drove by the site prior to the meeting and after he saw the response of the abutter he thought it would be important to look. He saw children playing there, riding their bikes. Since there are children in the area and they are talking about cutting down trees, he would be interested in what they would propose for greenspace. He doesn't feel like they have enough information.

Vice Chairman Pech he asked if Mr. Lania would like to address any of the comments.

Mr. Lania said he would request a continuance to allow him time to work with the applicant to clear up the concerns that the Board may have.

Vice Chairman Pech said he heard the wish of the Board. The next meetings are September 14 or the 28.

Mr. Lania said he received building plans today so he could meet the timeline for the 14th. He would also provide a nice landscape plan.

Member McCarthy said that in addition to greenspace and landscaping they would like to see how drainage would be dealt with. He believes the sites are more or less flat, but he would like to see contours. Drainage is important here.

Mr. Lania said that's not a problem.

Member McCarthy said that the existing conditions plan is not thorough enough. There is a fenced area that does not show. The fenced area around the trees doesn't appear to be more than 20-ft. wide, so he is curious where the other 10-ft. come from.

Mr. Lania said that's not a problem.

Member Callahan said as far as the renderings, Member McCarthy also mentioned the interest in floor plans to show the number of bedrooms, number of floors, etc.

Mr. Lania said he would submit floor plans and elevations.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to continue the hearing to the September 14, 2020 meeting. The motion passed unanimously, (5-0).

III. Other Business

Minutes for Approval:

August 10, 2020

S. Callahan motioned and M. Briere seconded the motion to accept the August 10, 2020 minutes. The motion passed unanimously, (5-0).

Further Comments from Members

None

V. Adjournment

S. Callahan motioned and G. Procope seconded the motion to adjourn the meeting at 7:14 PM. The motion passed unanimously, (5-0).

New Business to Be Advertised by August 9, 2020 and August 16, 2020