

Lowell Zoning Board of Appeals Minutes

September 14, 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: Chairman Perrin, Member Pech, Member Callahan, Member McCarthy, Member Briere, and Member Procope

Members Absent: None

Others Present: Fran Cigliano, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 9/14/2020 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.

Chairman Perrin called the meeting to order at 6:30pm.

I. Continued 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:

Ken Lania, Applicant's Representative

K. Lania: Provided some revisions. Renderings and floor plans. Color rendering of separation between landscaping and existing trees and pavement and dwelling. Gives Board better idea of what's happening on the site. Difficult to picture where they will be situated. Surveyed situation of parking lot and showed driveway area to the north and the west of the two proposed lots. In addition to that, modified plans so that dwellings represent the layout of the floorplans and the renderings. They are the exact size and location. There was some question as to when it would be constructed. Beginning this year, hopefully have them completed and ready for sale early spring. Feedback from engineering department. Add dimensions to driveway. Done that and showed dimensions. The existing road on Hildreth Street was just completely redone. As a result, they created a curb cut there measuring 25 feet in width. We don't want to not obtain the variance, but not in our interest to modify that curb cut. If we need to obtain that extra variance, wanted to bring up this evening. No variances needed for dwelling 1. Lot 2, fencing was shown on existing condition and retaining wall to the north. Provided a single 15 foot wide one lane

driveway. Meets requirement. Sidewalk lead to front porch. Side yard retaining usable open space. Hoped this would clear up some of your questions.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

V. Pech: Thanks for updated information. I agree that I think everything is conforming in terms of driveway and pavement. No need to do renovation since recently renovated. Overall I support.

S. Callahan: Put together a nice project. Something I would be able to support.

D. McCarthy: I agree with my fellow Board members. Night and day the difference in presentation. We have the material we need to put together a decision. The color site plan doesn't indicate landscaping, just green area. No shrubs indicated.

K. Lania: Yes, typically we condition to do landscaping plan. DPD approves and hopefully signs off. I typically think that's the way it should go, without knowing how many trees with be there.

D. McCarthy: I think we should definitely do that. We do want to see trees on those both sites. I would like to see trees in that neighborhood and shrubs. Decks off the dining space. If I look at what you presented for floor plans, glass door looking out onto a deck. I'd like to see areas of patios/hardscape on an updated plan as a condition of approval. Change of building design/driveway is great. I think the restraint you show, showing less driveway than you had originally, helps it fit in better on that site, and minimizes impact that it would have. Would just like to see those two conditions.

M. Briere: Certainly done to my satisfaction. Look very favorably on this petition.

G. Procope: Thanks Mr. Lania. I agree with DM. What I wanted to see was some greenspace. At least something that would beautify the area for the kids around. I think the changes you made were impressive.

G. Perrin: Always a pleasant process working with Mr. Lania.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to approve the Variances under Section 5.1 with the following conditions:

1. The applicant shall work with DPD to develop a landscaping plan prior to applying for a building permit.
2. The applicant shall update the site plan to show all hardscape prior to applying for a building permit.

The motion passed unanimously, (5-0).

II. **New Business**

ZB-2020-32

Petition Type: Variances

Applicant: Kenneth Lania c/o JAF 27, LLC

Property Located at: 62 Seneca Street, 32 Chippewa Street 01852

Applicable Zoning Bylaws: Section 5.1

Petition: JAF 27, LLC is seeking variance approval to relocate the lot lines and construct a new single-family home at 33 Chippewa Street (Lot B), a vacant lot that has merged for the purposes of Zoning with the existing single-family home at 62 Seneca Street (Lot A). The properties are in the Traditional Neighborhood Two-Family (TTF) zoning district and the proposal requires Variance approval under Section 5.1 for minimum lot size and minimum lot area per dwelling unit for both lots; minimum lot frontage for Lot B; minimum front yard setback for the existing home in Lot A; and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

K. Lania: Requesting variance to allow for separation of what was previously three separate lots. Due to zoning becoming stricter, over time this became one big parcel. One lot for existing SF home, allow for creation of second lot, Lot B, SF with modified driveway. I proposed a better in-kind dwelling. Covered porch on the front. Driveway on the east side. Installed some mitigation trees. Providing four three inch or greater trees to replace mature trees. In addition, provided what we believe is a layout in kind with the neighborhood and meets what zoning is trying to do on the parcel. Mr. Alves broke down lots in the neighborhood and found that these lots fall above the average. Provided us with an image and graph showing colored properties. Ultimately our goal is to stay in kind with the neighborhood. This property was three properties originally. We felt as though there was enough hardship to move forward with a dwelling as long as it is kind in the neighborhood.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Callahan: Couple questions. I noticed on the new lot being proposed, a couple sheds in the back. What is the intention with those sheds?

K. Lania: Keep as they are. Not any intention to remove or modify. Not in bad shape. Keep as they are.

S. Callahan: Will they be shared between the two properties?

K. Lania: Solely with Lot B. Would go with the sale of the property.

S. Callahan: The house on Seneca street needs some upgrading. Exciting to see that happen with that house. I agree that it would be better to have another house on another property. I think this is a great project. I would be in full support.

M. Briere: I am very familiar with this property. It is in the neighborhood in which I reside. A structure that has been vacant for many years. Adjacent lot is unkept and overgrown. I think it will fit the

neighborhood character very neatly. I look forward to the construction and improvement.

D. McCarthy: I agree that this would be a nice fit for that neighborhood. I would like to hear more of the intent with the existing structure. Preserved and restored, part of the renovations?

K. Lania: Currently going to go hand in hand. Intent is to start work right away. Money from financiers contingent on approval on the lot. Intent to work on that right away.

D. McCarthy: Wood Street and Westford Street corner. It was developed into three diff properties. The existing house has never been renovated. I fear this has fallen into this category. Would like to see those both redeveloped at the same time. Don't see any drawings. Important to see intent of the existing dwelling. Not providing landscaping for that site.

K. Lania: The other site is fairly well landscaped. Would work with existing landscaping. No tree removal required. Paint, new windows. No roof raising. Can't speak to the interior of the building. No anticipation to increase the number of bedrooms.

D. McCarthy: I agree that this existing structure is so badly vandalized. It would be nice to see it restored in such a nice neighborhood. Second house is reasonable in scale for the neighborhood. I don't understand the layout. I would like to get that detail as required by the prerequisites. I do like the project.

G. Procope: I did drive by the property as well. Looks like the last one that needs to be done. Glad to know Mark lives in that neighborhood and thinks he will make the neighborhood look beautiful. I'm on board. As DM mentioned, would like to include the other details.

V. Pech: To me, this project makes sense. Property is in disarray. Beatifying fits in with the neighborhood character. Agree that getting proper documentation is important. These are the minimum guidelines we need. Aside from some missing prerequisites, this is a project I support.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to continue the petition to the September 28 ZBA meeting. The motion passed unanimously, (5-0).

ZB-2020-33

Petition Type: Variance

Applicant: Joseph Clermont c/o Jason Clermont

Property Located at: 234 Crawford Street 01854

Applicable Zoning Bylaws: Section 5.1

Petition: Jason M. Clermont is seeking Variance approval to reconstruct and expand a rear porch at 234 Crawford Street. The property is in the Traditional Neighborhood Single Family (TSF) zoning district. The proposal requires Variance approval under Section 5.1 to exceed the maximum allowed Floor Area Ratio (FAR) and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Joe Clermont, Applicant's Attorney

J. Clermont: Construct and expand rear porch. TSF zone. Property consistent with the neighborhood.

Rear porch is 9 x 10. Would like to reconstruct 90 sq. ft. increase. Would increase FAR from .42 to .43. Memo noted 71% of properties in the area exceed the maximum allowed FAR. Median is 0.47. Can be met without substantial deviation. Requesting approval. Submitted examples of work.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D. McCarthy: I agree with councilor that this is a de minimis request. 12 x 15 is good. Application makes a lot of sense. I love the document here on file from JA about the FARs in the neighborhood. So useful to guide us with this process going forward. Very reasonable to do. Something you shouldn't have to. Grey area. Such a small amount.

M. Briere: I believe the request is more than reasonable and will greatly enhance the property.

G. Procope: I agree with my colleagues. I believe it would be conducive to the neighborhood. It is a good project.

V. Pech: I also agree. Minimal relief asked for. This would be a great addition to the neighborhood. I agree with DM that this is something that could be done in-house. Has to go through permitting process. Minimal relief. Makes total sense.

S. Callahan: I agree with my fellow board members. Thanks for sending over the renderings.

Motion:

S. Callahan motioned and V. Pech seconded the motion to approve the Variance under Section 5.1. The motion passed unanimously, (5-0).

ZB-2020-34

Petition Type: **Variances**

Applicant: **John C. Geary c/o Monte Castle, LLC**

Property Located at: **15 Canton Street 01851**

Applicable Zoning Bylaws: **Section 5.1; Section 6.1**

Petition: **Monte Castle, LLC is seeking Variance approval to convert an existing single-family residence into a two family residence at 15 Canton Street. The property is in the Traditional Two Family (TTF) zoning district. The conversion requires Variances under Section 5.1 for the minimum side yard setback, minimum front yard setback, and minimum frontage; under Section 6.1 for relief from off-street parking requirements; and for any other relief required of the Lowell Zoning Ordinance.**

On Behalf:

John C Geary, the Applicant

J. Geary: Representing Leo Monteiro. Here requesting variances to convert structure to two family. Requesting dimensional relief. Also seeking relief for off street parking. Site is located in TTF zoning district. 8,526 sq. ft. of land. Large carriage house on the property. Most recently used as a SF home but

vacant and unkempt since then. Previously petition for 1180 Middlesex Street, done a spectacular job. While he was doing that, approached owner of carriage house. Makes sense that carriage house is rehabbed.

Speaking in Favor:

F. Cigliano reads email from abutter into the record: "We are having difficulty joining the meeting tonight. That being said, we, Douglas Pellegrino and I, Deborah Rivet, wish to comment on 15 Canton Street on tonight's agenda. Both Douglas and myself are totally for an application being discussed tonight on converting 15 Canton Street into a two family residence from a single family home. We live across the street at the corner of Canton and Middlesex Streets. We have watched the phenomenal job he has done on the 1180 Middlesex Street property and anticipate the same to be done on the original carriage house aka 15 Canton Street. Again, we are for this project. Deborah Rivet & Douglas Pellegrino"

Speaking in Opposition:

None

Discussion:

M. Briere: Important to note from comments from DPD. DPD, building, fire all have no issues with this project. Complimented personal character and reputation. Look forward to project being revitalized. I confidently favor this petition.

V. Pech: This petition makes sense. Very minimal relief required. Parking relief for just one space. I think overall this project makes sense. Falls in line with multifamily, two family zoning district it is in. I have no issues. I wish the applicant the best of luck.

D. McCarthy: I echo MB's comments. Too many times the applicant is doing things, we wish they had better talent. We have this very large lot in two family. The applicant is doing what makes sense. Not asking for extra paving. Can possibly get two spaces on the street as it stands. I think the parking is an easy one. The rest is minor in nature. Building is something we want to preserve. Such a phenomenal job. The presentation and before and afters. Amazing. I think the quality level and the product, variance is an easy thing to grant. I completely support it and I am glad the applicant finds the city worthy of investing in. Glad to see this product in this location.

G. Procope: I echo colleagues' comments. I drove around that neighborhood and seeing it as the only single family, it makes perfect sense to try to make into a two family. Sounds like the applicant has a very good reputation. Would be on board based on the fact that board is aware of him and his integrity. I think it would be a good project.

S. Callahan: I share the same sentiments. I think this will be a great project. One question I have, second unit, section on the front end a loft area?

L. Monteiro: It is just an open loft. Same level as the second floor. Not a walk up loft.

G. Perrin: I can definitely agree with my colleagues on the board and others from other city departments, residents. I have personally received many positive comments on the work you are doing in that neighborhood. Commitment and professionalism is something that we take pride in having. You are a true testament of what our city is all about. Want you to know that I have personally taken at least 11 phone calls of positive feedback in relation to this project. Felt important to note.

D. McCarthy: Comment from DPD – asked to consider whether missing a landscape plan. Especially for front of home along Canton Street.

G. Perrin: I agree with that.

J. Geary: That would be acceptable to the developer.

Motion:

S. Callahan motioned and D. McCarthy seconded the motion to approve the Variances under Section 5.1 and Section 6.1 with the following condition:

1. The applicant shall work with DPD to develop a landscaping plan prior to applying for a building permit.

The motion passed unanimously, (5-0).

ZB-2020-35

Petition Type: Variance

Applicant: John C. Geary c/o Beth Ann Gilberti

Property Located at: 151 Remington Street 01852

Applicable Zoning Bylaws: Section 5.1

Petition: Beth Ann Gilberti is seeking Variance approval to construct an addition on the existing single-family home at 151 Remington Street. The property is in the Suburban Single (SSF) zoning district. The proposal requires Variance approval under Section 5.1 to exceed the maximum allowed Floor Area Ratio (FAR) and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

John C Geary, Applicant's Attorney

J. Geary: The relief we are requesting is significant, but fits within the neighborhood. Beth has lived in the neighborhood her entire life. Wants to continue to raise their family in this home. They have spoken with several neighbors and have received positive feedback from all. Proposed addition will enhance the neighborhood. Happy to answer questions Board members may have.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Perrin: Lists letters of support from neighbors.

V. Perrin: Overall I think it is a substantial increase. I totally get the addition, two car garage, and living space. I also believe it is done in a moderate way in line with the neighborhood. I do agree that the property would be enhanced by this renovation. Would enhance the city as a whole. I know the FAR is a bit of relief, but I also think the owners did their due diligence, talked to their neighbors, I didn't hear or see

anyone against their project. Willing to invest in the city and the home.

D. McCarthy: I agree with VP. FAR makes sense in this neighborhood. Especially with how this addition is set up. Only 24' x 41'. Fact that it extends in the rear and is set back from property lines, it's well-done. Restraint of applicant to not do a large mass on the street but leave existing home as it is and change the roof elements bodes well for enhancing the neighborhood. I do see that we don't have the height identified. Even though we have a great application, don't have the existing building height or proposed. Like to have a condition that you provide height of new construction. Will likely fit into zoning but need to document somewhere.

G. Procope: I hope to use this site plan when I come to the Board with my variance! Very impressed. I don't have any comments. I thought this was beautifully set up. This is a wonderful plan. I look forward to seeing the finished product.

M. Briere: Very simply, the benefit this petition provides the neighborhood outweighs the increase to FAR. Confident we can grant this relief.

S. Callahan: It will fit in with the neighborhood all in all. There would be benefits to adding the garage and addition of a bedroom. A great well together put package.

G. Perrin: Work that DPD does, information on FAR, helps us. That document and resource we now have that we didn't have for several years makes these petitions more palatable. Gives us a better understanding. I know Beth Ann is fourth or fifth generation in city of Lowell coming from a great family. Bringing her family here, staying here, is another character of what were all about. One condition about the height.

J. Geary: Happy to provide that information.

Motion:

S. Callahan motioned and V. Pech seconded the motion to approve the Variance under Section 5.1 with the following condition:

1. The applicant shall submit a revised site plan showing the proposed height of the structure.

The motion passed unanimously, (5-0).

III. Other Business

Minutes for Approval:

August 24, 2020

S. Callahan motioned and G. Procope seconded the motion to approve the minutes from the August 24, 2020 meeting. The motion passed unanimously, (5-0).

G. Perrin apologized for missing the last meeting and congratulated G. Procope on joining the ZBA.

Further Comments from Members

None

V. Adjournment

S. Callahan motioned and D. McCarthy seconded the motion to adjourn the meeting. The time was 7:54 PM.

New Business to Be Advertised by August 30, 2020 and September 6, 2020