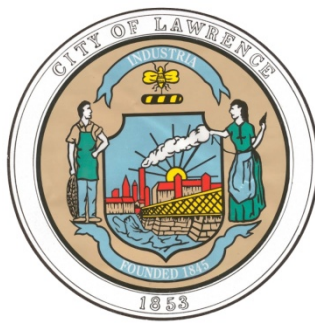


ZONING BOARD OF APPEALS



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Land Use Planner

Daniel A. McCarthy

ZONING BOARD OF APPEALS

4-29-2021

Minutes to the Meeting/Hearing

Due to the COVID-19 Outbreak and the policy changes made by Governor Baker and Mayor Rivera, this meeting of the Zoning Board of Appeals was done remotely.

Roll Call:

Richard Rivera, Vice Chair-Present

Beatrice Taveras-Present

Will Mazola-Present

Roberto Fernandez-Present

Absent:

Frank Campos

Also Present:

Daniel McCarthy, Land Use Planner- Present

Michael Armano, Acting Inspectional Services Director-Present

David Palumbo, Acting Building Commissioner-Present

Captain Patrick Delaney, Fire Prevention

Pedro Soto, Planning Director

Absent:

Jorge Martinez- Minute Taker

With a unanimous motion of 4-0, the members of the Zoning Board of Appeals voted to open the public meeting.

CONTINUED CASES

452 South Union Street

Merelyn Banegas

The applicant was not present to address the Zoning Board of Appeals. The original proposal which was submitted approximately 10 months ago was to add a second floor on 7,852 square feet of land. The applicant was initially requesting a variance due to the fact that the building did not have sufficient frontage on South Union Street. The applicant was requesting a variance from section 29-15 of the City of Lawrence Revised Zoning Ordinance.

Mr. McCarthy then stated that he believes that the case should be withdrawn. He stated that the matter has been on the agenda for almost a year and that board administrator Jorge Martinez had hand-delivered letters warning that the case would be dismissed for lack of prosecution if no one were to show.

Mr. McCarthy then stated that he believes that the matter should be dismissed for lack of prosecution.

With a unanimous vote of 4-0, the members of the Zoning Board of Appeals voted to withdraw the matter without prejudice.

172-174 Everett Street

Angela Lavayen

Present to address the members of the board were Angela Lavayen as well as Liliana Peralta. Ms. Peralta spoke and stated that she had received new plans from her architect and did not want to spring them onto the board members at the moment. She then stated that she would like to continue the matter until next month in order to give the board members adequate time to review the plans.

With a unanimous motion of 4-0, the members of the Zoning Board of Appeals voted to continue the matter until next month.

***540 Essex Street
Prime Real Estate Investment***

Present to address the members of the board were Sadie Camilo and Attorney Anthony Copani.

The original submission was made by Prime Real Estate Investments to construct eight residential units on the second and third floors and make the first floor commercial. The city had some objections initially in regards to the size of the development and the direction that the city would like to see Essex Street take in the future.

Attorney Copani stated that he would be requesting a continuance in hopes that at the next meeting will have five members instead of four, making the possibility of receiving a positive vote easier.

With a unanimous motion of 4-0, the members of the Zoning Board of Appeals unanimously voted to continue the matter until next month.

***32 Alder Street
Luis Javier***

Present to address the members of the board were Marcos and Lunara Devers.

The original proposal was for a subdivision that would facilitate the construction of a single-family home on the new lot.

Mr. Devers stated that he would be requesting a continuance.

With a unanimous motion of 4-0, the members of the Zoning Board of Appeals unanimously voted to continue the matter until next month.

***51-53, 55-57 Springfield Street
Randy De La Cruz, Ceneida Valentin***

Present to address the members of the board was Joelivi Gonzalez.

He stated that the proposal was for four residential units with one parking spot per dwelling unit and that the land is a combination of two lots for a total of 5,868 square feet.

Mr. McCarthy stated that the matter had been before the board previously, approximately two years ago. Mr. McCarthy then stated that the building was once a bar and some sort of club. He then stated that Springfield Street is not a good part of the city for a club or a bar and that a residential use may be a lot more appropriate for the neighborhood.

He then stated that the applicant is requesting two variances, one from section 29-15 for dimensional requirements as well as a variance from section 29-18 for parking. Mr. McCarthy then stated that the variance would be warranted.

With a unanimous vote of 4-0, the members of the Zoning Board of Appeals decided to issue the parking and dimensional variances.

***511-529 Broadway
Roger A. Farah***

Present to address the members of the board was Roger Farah. He stated that he is the owner of the subject property and applied for a variance for the purpose of constructing new apartments at the above address. He stated that the property currently contained 5 commercial units. The upper floors are all wide open but he believed that there were apartments there in the past.

His plan is construct 14 units. There would be 6 one-bedroom units and 1 two-bedroom unit on each floor. He stated that the units would be luxury apartments with granite counter-tops.

The board then called on Land Use Planner Dan McCarthy for the City's position. Mr. McCarthy stated that the city would not be supportive of this project. The land is located in a B-2 secondary business district and the ordinance requires a minimum of 1750 square feet of land for each residential unit. As the lot was only 5830 sf, the applicant is entitled to 3 units by right. The City could see the necessity of allowing 4 units to make the units even, but 14 units was well beyond what the City would consider. He then commented that the plans don't provide information on the size of the units, but he had done the math and the units averaged 300-400 sf each. He stated that there was no hardship with the land that would warrant such a variance.

Mr. Farah responded that his project was intended to serve a population that needed housing and that single bedroom units were the most needed in the City. He then stated that Mr. McCarthy has a personal grievance with him over another property and wasn't being truthful.

Mr. McCarthy stated that the undersized units were not even close to the minimum size recommended by the state department of housing or any number of realtor groups.

The property was located on Broadway which had a number of similar types of housing that were SRO's or modified single units. That this type of residence is transient and not intended for long term residence. He then commented that Broadway seems to end up with the worst of the social programs and because of that there was a problematic population which affected the area. The City has been trying to improve the area.

Mr. Farah stated that his property should not be considered part of that and stated that he owned another building a block away with 300 sf units and that the property was great.

Mr. Richard Rivera interjected that maybe the project could be downsized to 10 units. 5 per floor. He could create new plans.

Applicant stated he would do ten units. He indicated he wanted a vote.

Mr. McCarthy stated that he wouldn't consider anything without new plans, and commented that he submitted plans were very poor without adequate information and were done by an unlicensed party. Without plans the City wasn't willing to banter over the number of units that would fit.

The applicant stated that his plans were done by a professional architect and stamped.

He stated he would request a continuance.

A motion was made to continue and seconded.

With no further discussion,

The members of the board voted and the results are as follows:

Richard Rivera, Chair- Yes to continue
Roberto Fernandez- Yes
Beatrice Taveras- Yes
Jose Rosario- Yes

The case was continued until the next scheduled meeting.

486 Andover Street
Elias Kanj, Bachir Lib

Present to address the members of the board were Elias Kanj and Frank Giles.

Mr. Giles presented plans to the members of the board.

Mr. Giles then stated that the property used to be the old University Cap and Gown and that the applicant is requesting a variance in order to construct 17 apartments that will span three stories. He then stated that the apartments will be one-bedrooms and two-bedrooms.

Mr. McCarthy then stated that under the zoning ordinance the applicant would only be allowed five units. He then stated that the request for 17 units is a lot and that the applicant may be over-developing the

property if this were to go through. He then stated that it is possible that there can be a valid hardship that is associated with the land and that he would request that the newly submitted plans accurately depict the square footage for each unit. He then stated that 8-10 apartments may be a bit more reasonable of a request.

Mr. McCarthy then stated that the Lawrence Planning Board has strict standards in regards to the unit sizes and the board normally us the state standards as guidelines for the unit sizes. He then stated that one or two units being undersized would be understandable, but all of them being undersized is unacceptable.

The applicant's attorney then asked why the Lawrence Planning Board would need to get involved. Mr. McCarthy then stated that the Planning Board has residential jurisdiction.

Mr. Kanj then stated that he would be requesting a continuance in order to create a new set of plans. He then stated that he would like to work with the city to see what can be done.

With a unanimous motion of 4-0 the members of the Zoning Board of Appeals voted unanimously to continue the matter until the next meeting.

***91-95 East Haverhill Street
Jose Batista***

Present to address the members of the board was Frank Giles. Mr. Giles stated that he was before the members of the board in order to secure a variance from the ordinance that will allow his client to subdivide and construct a two-family home. He then stated that his client was not present.

Mr. McCarthy then stated that the plans that were submitted did not provide any information about the existing units on East Haverhill Street.

Conversation ensued in regards to the plans.

Mr. Rivera then stated that he would like some time to review the newly submitted plans.

With a unanimous motion of 4-0 the members of the Zoning Board of Appeals voted unanimously to continue the matter until the next meeting.

***49-51 Doyle Street
Josue Garcia***

Present to address the members of the board were Frank Giles and Josue Garcia. Mr. Giles stated that he was before the board in order to secure a variance to facilitate a subdivision along with the construction of a single-family home.

Mr. Giles then stated that his client had purchased a three-family home with a large lot right next door. He then stated that his client wishes to renovate the three-family home and build a single-family home on the new lot. He stated that the new building would be on a \$5,000 square foot lot with adequate parking.

Mr. McCarthy then stated that the city received a \$1,000,000 grant for work on an intersection branching off of Doyle Street and that the proposed subdivision and home would be in close proximity to this work. He then stated that he would consider imposing some conditions.

The following conditions were presented to the applicant:

- 1. Homes must be constructed in such a way that they will architecturally complement each other.***
- 2. Plans for the home and subdivision must be reviewed by the City Engineers as well as the Department of Public Works.***

Also present to address the members of the board were two Lawrence residents. Eduardo Brea as well as Anita Robinson were both resident of Doyle Street who both expressed their concerns about the new development and how the proposal would only exacerbate the parking issues within the neighborhood. It was then stated that the rear of the building where the parking lot is located is very steep especially as it gets closer to the direct abutter.

Mr. Garcia then stated that he would be installing a retaining wall for the parking area that will prevent any sort of structural occurrence.

Both Mr. Brea and Ms. Robinson agreed that the development would not be in the best interests of the neighborhood.

Mr. Rivera then stated that the applicant should work with the residents and try and come up with some sort of solution.

The following conditions were presented to the applicant:

With no further discussion,

The members of the board voted and the results are as follows:

*Richard Rivera, Chair- Yes to continue
Roberto Fernandez- Yes
Beatrice Taveras- Yes
Jose Rosario- Yes*

The applicant's petition was passed with a vote of 4-0.

*423-427 Merrimack Street
Merrimack Street, LLC*

Present to address the members of the board were Rick Friberg, Socrates DeLaCruz, Gerrylyn Darcy and Chris Raymond.

Mr. Friberg presented to the members of the board. He then stated that the project being proposed is a part of the Planned Unit Development that the group had proposed about a year ago. He then stated that the construction of the car-wash, gas station and convenience store is the first phase in the PUD.

Mr. Friberg then went over the proposed plans and how the vehicles were going to queue up. He then went over the seven criteria that the group would have to meet in order to secure a special permit. He then stated that the project meets all seven of the criteria.

Mr. McCarthy then stated that a departmental review was done and the decision was made that the design that is currently being proposed is the best one. He then stated that landscape plans are needed, but the Lawrence Planning Board will take jurisdiction over this. He then stated that the lot is the last lot in the city and the development should not interfere with traffic.

With no further discussion,

The board members voted and the results are as follows:

*Richard Rivera, Chair- Yes to continue
Roberto Fernandez- Yes
Beatrice Taveras- Yes
Jose Rosario- Yes*

The applicant's petition was passed with a vote of 4-0.

BOARD BUSINESS

*189-189B Newbury Street
Marta Romero*

Mr. McCarthy indicated that the applicant for this case would be requesting a reconsiderance. He then stated that the new state statute regarding Chapter 40 hints that the state would be more in favor of housing.

Upon a motion made by Mr. Rivera and unanimously voted on by the rest of the members of the board, the members of the board voted unanimously to reconsider.

The applicant was instructed to submit a new application and be present at the next ZBA meeting.

Mr. Rivera then indicated that he had spoken with the mayor and was questioned about his status as Vice Chair. Mr. McCarthy then stated that the board performs annual reviews that have been held off since the replacing of former Chair Richard Consoli. He then stated that he believes that the board needs to hold a vote next meeting for nominations. All of the board members agreed.

Upon a unanimous motion made by the members of the Zoning Board of Appeals, the board members voted to adjourn the public meeting.