

PLANNING BOARD



LAWRENCE MASSACHUSETTS

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Franklyn Veloz
Brenda Rozzi

Associate Voting Member
Betty Camilo-Correa

Administrative Assistant
Jorge O. Martinez

Land Use Planner
Daniel A. McCarthy

CHAIR
Tamar Kotelchuck

LAWRENCE PLANNING BOARD

January 8th, 2020

Minutes to the Meeting

Held in the office of Planning and Development, 12 Methuen Street, Lawrence, MA 01840

Upon a Roll Call the following members were present:

Tamar Kotelchuck, Chair
David Quarrell
Brenda Rozzi
Betty Camillo-Correa

The following member(s) were absent:

Antonio Reynoso

Also Present:

Dan McCarthy- Land Use Planner
Jorge Martinez- Minute Taker
David Palumbo- Acting Building Commissioner
Michael Armano- Acting Inspectional Services Director

Upon a motion made by Mr. Reynoso and seconded by Mr. Quarrell, the members unanimously voted to open the public meeting.

CONTINUED CASES

9 Morton Street
Nelson DeLaCruz

The applicants were not present at the public meeting, but their authorized representatives Marcos Devers and Lunara Devers stated that they and the applicants would like to continue the matter that way the city can perform a wrap-around meeting.

Upon a motion to continue made by Mr. Quarrell and seconded by Ms. Rozzi the board unanimously decided to continue the matter.

**65 Jackson Street
Jony Perez/ Davinci Mini Apartment, LLC**

It was expressed that the applicant wishes to continue that matter until after he meets with the Prospect Hill Historical Commission.

Upon a motion to continue made by Mr. Quarrell and seconded by Ms. Rozzi, the board unanimously decided to continue the matter.

NEW CASES

**233-235 Bailey Street
Rudy Ortiz**

Rudy Ortiz and his father were present to address the board, along with Marcos and Lunara Devers. He stated that he is attempting to make the third floor of the home livable by adding two bedrooms and a bathroom.

Ms. Kotelchuck then asked if the third floor was going to be a separate unit. Mr. Ortiz stated that he only intended on making the second unit bigger.

Mr. Devers then addressed the board. He stated that the petition was to convert the third floor into livable space for the family. He stated that the applicants are before the board in order to secure a special permit and site plan approval for a substantial addition. He then stated that the density would be increasing by a small amount.

Ms. Kotelchuck then asked the board if they had any questions.

Ms. Kotelchuck then stated that there were no renderings that were submitted with the plans, she then asked if the applicants intended on raising both sides of the attic. Mr. Devers then stated that he only intends to raise one side of the attic. Mr. Ortiz then stated that the exit to the attic is currently so small that it is unsafe. Therefore the attic needs to be raised to ensure that the exit to and from the attic is safe. Ms. Kotelchuck then stated that the attic will be asymmetrical. Mr. Devers then stated that the portion of the space that is not being used will remain the same.

Mr. McCarthy then stated that the city has no objection to a family looking for more space in their home. He then stated that the City of Lawrence Revised Zoning Ordinance focuses heavily on the esthetics of the building as it relates to the esthetics of the rest of the area. He then stated that the house, if built as the applicant desires, would lose the distinctive shape that it shares with the rest of the buildings in the area. He then suggested that the dormer be moved back from the edge of the building to ensure that the home looks similar to the rest of the homes in the area. He stated that the applicant may lose some floor space, but the appearance of all of the homes in the area would be consistent. He then stated that the Inspectional Services Department (ISD) and the Lawrence Fire Department (LFD) have comments on the matter as well.

Mr. Armano stated that the use of the building is not necessarily a normal use. He then stated that the LFD is neither for nor against the use. He stated that the building is a two and a half story building that is essentially a two-family building. He then stated that the LFD would typically expect two levels of the home to be livable, but due to the applicant wishing to add livable space on the half story of the home, the home essentially becomes a hybrid between a two and three family home. He stated that the LFD would rather see the home become a traditional three family home. He then stated that cases like this cause confusion, but he stated that the units should come before the board and members of the public should be able to speak either for or against projects such as the one proposed at 233-235 Bailey Street.

Mr. McCarthy then stated that the city is not against the petition. He then asked the board, Mr. Armano and the applicant is there was any way that the attic can be labeled as an occupied floor, should any issues arise.

Mr. Ortiz then stated that he can install a high wire system between the second and third floor that will ensure that the two floors are covered by a fire alarm.

Ms. Kotelchuck then stated that the concern from the LFD was the fact that the LFD would need to know if someone is present in the attic in case of emergency. She then asked if it was possible for Mr. Ortiz to show somehow that the attic is livable. Mr. Ortiz stated that there is only one exit for the second and the third floor. He stated that one entrance can be used. Mr. McCarthy then added that if it was a three unit building then the building would need to be sprinkled, but in this case where all that is being added is a bathroom, bedroom and living space adding sprinklers would be unnecessary and not cost efficient. He then added that there are no easy answers, but that the city supports the applicants need for more living space for his family. He stated that the city only cares about the appearance of the building.

Mr. Quarrell then stated that normally when someone sees a dormer it is associated as being a portion of the house that is livable. Mr. Armano then added that fire fighters with experience would be able to figure that out right away. He then added that structures such as the project that is being proposed are not unique. He stated that buildings such as this one are all over the city. He stated that the building being in an R-3 works to the applicant's advantage because the LFD expects multi-family homes to be in the area. He added that situations such as this one need to be addressed. He also added that normally attic floors are not designed to handle a live load and factors such as this need to be addressed.

Mr. Devers then stated that the board has approved projects like this before and does not want them to stop approving such projects now.

Ms. Kotelchuck then stated that questions are being raised, but she does not believe that the board will deny the request.

Upon a motion to open the public hearing made by Ms. Rozzi and seconded by Mr. Quarrell, the board unanimously decided to open the public hearing.

Rudy Ortiz Sr. of 233-235 Bailey Street spoke in favor of the petition. He stated that he wanted to thank the board for everything that they have done to serve the citizens of Lawrence. He stated that Lawrence is going through a period of great success and the board members have a contributed a great deal to the success. He then stated that this petition, if approved, would serve his family. He

added that his children are doing very well and he wants to provide them with a living arraignment that they deserve.

Upon a motion to close the public hearing made by Ms. Rozzi and seconded by Mr. Quarrell, the board unanimously decided to close the public hearing.

The board was supportive of the proposal, but Ms. Rozzi wanted the applicant to somehow label the attic as “livable”.

ISD had no objections.

The following condition was presented to the applicant:

- 1. Applicant must set the former back from the edge of the home to ensure all of the homes in the area have a consistent appearance.**

Discussion ensued,

With no further discussion,

The board voted and the results are as follows:

David Quarrell- Yes with the condition

Brenda Rozzi- Yes with the condition

Betty Camilo-Correa- Yes with the condition

Tamar Kotelchuck- Yes with the condition

The applicant’s petition was unanimously approved.

17 McCarthy Road

Johnny Rivas

Present before the board was Johnny Rivas, the owner of the home. He stated that he was attempting to add an addition on top of the house in order to add more living space to the home.

Mr. McCarthy stated that there are three or four bungalow type homes in the area. He stated that the addition would be 100%, but that the concern is mainly the pitch of the roof. The roof, as originally proposed would be a 10ft peak. A condition was proposed by Mr. McCarthy that the applicant build the additional story, but the peak of the roof be kept at 6ft. He then stated that the idea of a two story building is not uncharacteristic in the neighborhood, but having a 10ft peak on the roof is. He then added that the city is not opposed to the proposal, but their main concern is the issue regarding the peak of the roof. Mr. Rivas then added that reducing the peak of the roof is something that he is open to doing.

Mr. Palumbo then asked if the addition would exceed the height requirement in an R-1 neighborhood. Mr. McCarthy and Mr. Rivas both stated that the home would actually be under the height requirement.

Ms. Kotelchuck then asked the board and anyone present if they had any questions about the project.

Kevin Lapointe of 15 McCarthy Road then stated that he is not only Mr. Rivas' neighbor, but he will also be the general contractor on the project. He stated that there are three homes in the neighborhood that are bungalows. He then added that the homes across the street are Mt. Vernon addresses.

Upon a motion made by Mr. Quarrell and seconded by Ms. Rozzi, the board unanimously voted to open the public hearing.

Present to address the board was Guillermo Molina, the owner of Coco Early which is a very successful real estate agency all throughout the Merrimack Valley area. He stated that he was before the board in order to speak in support of Mr. Rivas' petition. He stated that the addition would be very cost effective and he also thought it was admirable that the applicant wants to stay in Lawrence rather than move elsewhere.

Upon a motion made by Ms. Rozzi and seconded by Mr. Quarrell, the board unanimously decided to close the public hearing.

The following condition was presented to the applicant by the board:

- 1. The peak of the roof must remain consistent with the peaks of the rest of the roofs in the neighborhood.**

The board voted and the results are as follows:

David Quarrell- Yes with the condition

Brenda Rozzi- Yes with the condition

Betty Camilo-Correa- Yes with the condition

Tamar Kotelchuck- Yes with the condition

The applicant's petition was unanimously approved.

8 Green Street

I & H Realty Associates

Marcos Devers and Hector Mena were present to address the board. They stated that they were before the board in order to clarify the status of the property.

Mr. Devers stated that when his client was attempting to buy the building it was listed as a 10 unit building, but for some reason the building was documented as being a seven unit building. He then stated that the owner was approached by the LFD, Lawrence Police Department (LPD) and various other city departments and the owner met all requirements set by the respective departments. He stated that he wishes to clarify that the building has 10 apartments, not seven.

Mr. Palumbo stated that he has been through the property before. He stated that the building is fully sprinkled and that there are indeed 10 small units in the building. He also stated that the building has 10 electrical meters. He also stated that he thought that the building was legally permitted to have 8 units rather than 7. He also stated that there is a neighbor who does not like the building. He also added that safety is not a concern and that there are enough entrances and exits to and from the building and it is sprinkled.

Mr. Armano then added that by changing the definition of the building from a boarding house to an apartment building many of the procedural changes of the building are changed. He stated that as a rooming house the building will be inspected each quarter and will need to be licensed. He then stated that this would change if the definition of the building is changed. He then stated that the LFD and ISD have no objection to the proposal. He stated that either way they would be on the property regardless.

It was mentioned that the applicants do not have devious intentions.

Mr. McCarthy then stated that the city currently identifies it as a boarding house. He then stated that the assessor's office lists the building as an 8 unit building. He then stated that the building is subject to more strict building code requirements as a board house. He stated that inspections are performed frequently; the applicant must submit a list of his tenants every three months to the LPD because the boarding house is supposed to be transitory. He stated that the applicant state that he has had the same tenants for two years, which is not the case for the typical boarding house. He stated that the advertising stated that an amendment or conversion must be added to the special permit in order to convert it from a boarding house into an apartment building. He stated that one concern that the members of the board have is with the small sizes of the units. He also added that taking away a lodging house from the city may in fact be a benefit. Mr. McCarthy also added that there will not be many physical changes occurring with the building itself. He also stated that the building may not need any parking due to the fact that most if not all of their tenants do not have cars. He added that the applicant must submit quarterly reports

Ms. Kotelchuck then asked the applicant if he would clarify what he wanted. She asked if the applicant wanted to be permitted for 10 units or if he wanted to change the building from a boarding house to an apartment building. She then stated that she is very happy that the tenants of the building are stable, but she also stated that the decision that the board is making is permanent. She then asked Mr. Palumbo and Mr. Armano what the issues were that warranted an inspection of the building. Mr. Armano and Mr. Palumbo stated that there were issues with code, kitchens and bathrooms.

Ms. Kotelchuck then wanted to know what would happen to the building if it is sold or somehow changes hands. Mr. Armano stated that there would be no concern. He stated that in boarding homes there are normally amenities that are shared amongst all of the tenants. He added that the building has essentially been operating as an apartment complex for years now. He also stated that the applicant would essentially be locked into marketing the building as apartments.

Ms. Kotelchuk then asked if the building would be subject to more surveillance. Mr. McCarthy stated that it would not. It was mentioned that if a problem were to occur the problem would be easy to see.

Upon a motion to open the public hearing made by Ms. Rozzi and seconded by Mr. Quarrell, the board unanimously decided to open the public hearing.

Upon a motion made by Ms. Rozzi and seconded by Mr. Quarrell, the board unanimously decided to close the public hearing.

With no further discussion,

The board voted and the results are as follows:

*David Quarrell- Yes
Brenda Rozzi- Yes
Betty Camilo-Correa- Yes
Tamar Kotelchuck- Yes*

The applicant's petition was unanimously approved.

Ms. Kotelchuck wanted to state for the record that in normal cases the board does not like to see small unit sizes, but did in this case due to the fact that this building is not new construction.

BOARD BUSINESS

Upon a motion to approve the previous month's meeting minutes made by Ms. Rozzi and seconded by Mr. Quarrell, the board unanimously decided to approve the meeting minutes for the month of December.

Upon a motion to adjourn the public meeting made by Mr. Quarrell and seconded by Ms. Rozzi, the board unanimously decided to adjourn the public meeting.