



ZONING BOARD OF APPEALS

February 27th, 2020

Minutes to the Meeting/ Hearing

Roll Call:

Richard Rivera, Vice Chairman- Present

Frank Campos- Present

Beatrice Taveras- Present

Will Mazola- Present

Roberto Fernandez- Present

Richard P. Consoli- Absent

Also Present:

Daniel McCarthy, Land Use Planner

Jorge O. Martinez, Minute Taker

David Palumbo, Acting Building Commissioner

Michael Armano, Acting Inspectional Services Director

Upon a motion made by Mr. Campos and Mr. Mazola, the board unanimously decided to open the public meeting.

CONTINUED ITEMS

157 Lawrence Street

Luisa Liberata

The applicant indicated in a message to the Land Use Planner (LUP) that she would like to withdraw her petition.

Upon a motion made by Mr. Campos and seconded by Mr. Mazola, the board unanimously voted to withdraw the applicant's application without prejudice.

56 Smith Street

Luisa Polanco

The applicant's attorney, acting on behalf of the applicant, stated to the LUP that he is requesting a continuance from the board.

Mr. Rivera then asked Mr. McCarthy why the attorney is wishing to continue the case. Mr. McCarthy stated that the attorney had a prior conflict during the meeting. He then stated that the board has been lenient when it comes to continuances and he felt as if the board should keep up that same trend. He then added that the Inspectional Services Department (ISD) had issued a Cease and Desist Order to the property, which meant that there was no work being performed on the property anyway.

Upon a motion made by Mr. Fernandez and seconded by Mr. Campos, the board unanimously voted to continue the matter to the next meeting, which will be March 26th.

300 Haverhill Street

Brightfields Development, LLC

The applicant had stated to the LUP that they wish to continue the matter until the next meeting.

Upon a motion made by Ms. Taveras and seconded by Mr. Campos, the board unanimously decided to continue the matter until the next meeting.

27 Boehm Street

Johanne Frias

Frank Giles was before the board to speak on behalf of the applicant.

Mr. Giles stated that he was before the board on behalf of the applicant the first time around in order to secure a variance in order to construct three duplexes on the property. He then stated that he had submitted a new set of plans which eliminated many of the characteristics of the property that the city did not approve of, such as: a duplex located on a small plot of land, and shared driveways and easements amongst the two duplexes that will be next to each other.

Mr. McCarthy then stated that he would like Mr. Giles to straighten the property line next to the six unit house that is on the property. He stated that by doing that, demolishing the area where the six family home is located and subdividing the land would be easier and much more feasible.

No one was present before the board to speak for or against the petition.

The applicant was presented with the following conditions:

1. Applicant must submit architectural and landscape plans to the LUP.
2. Applicant must straighten property line in between the six family building and the first duplex. This line must go all the way to the border of the backyard.

Without further discussion,

The board voted and the results are as follows:

1. ***Roberto Fernandez: Yes with the two conditions***
2. ***Beatrice Taveras: Yes with the two conditions***
3. ***Will Mazola: Yes with the two conditions***
4. ***Frank Campos: Yes with the two conditions***
5. ***Richard Rivera: Yes with the two conditions***

The board unanimously decided to approve the applicant's petition.

70 Williams Street

Brien Builders

Present to address the board were Ernie Brien and Frank Giles.

Mr. Giles stated that the property where the project is being performed is known for being susceptible to flooding and water damage.

Mr. Giles then stated that the builder will install countermeasures in place to mitigate against the flooding, such as: a frost wall, constructing the home to be a slab on grade, and installing a drainage system.

Mr. Giles then added that the drainage system had been reviewed by the City Engineers and they have no objections to it. He then added that during their review of the storm water management plans the City Engineers had made a suggestion that on site storage of storm water should be made a condition.

Mr. Giles and Mr. Brien both stated that the property only floods under the most extreme conditions.

Mr. Rivera then asked if the modifications that pertain to storm water would affect the square footage of the area. Mr. Giles stated that it would not affect the footprint of the building in any way. Mr. Giles then reiterated that the property would be a slab on grade with parking on the side of the building. He also stated that there will be no curb cuts.

Mr. Fernandez then asked if the property was in the 100 year floodplain. Mr. Rivera then stated that it was not, but it was the site of an old well.

Mr. McCarthy then stated that the area had been a site that was once known as “The Bloody Brook”.

Mr. Fernandez then asked if the City Engineers liked the proposal. Mr. Giles stated that they did and that the City Engineers wrote a letter in support of the project.

The members of the board and city staff that were present stated that they had not received that letter.

Mr. Rivera then indicated that he would like to see the letter in writing before he considers its importance to the case. Mr. Giles then stated that he would need to go before the City Engineers before he gets his permits for the project.

Mr. Fernandez then indicated that he would like to learn more about the project.

Mr. McCarthy then stated that the size of the lot is adequate, but the main issue is in regards to the storm water. He then added that if the engineers were in approval of the project then the city would not be against the proposal.

The following condition(s) were presented to the applicant:

1. Applicant must submit a storm water management plan.
2. Applicant must install parking on the sides of the building.
3. Applicant must submit architecture and landscape plans.
4. Applicant must abide by all of the rules and regulations established by the City Engineers.

With no further discussion,

The board voted and the results are as follows:

Will Mazola- Yes with the four conditions

Beatrice Taveras- Yes with the four conditions

Frank Campos- Yes with the four conditions

Roberto Fernandez- Yes with the four conditions

Richard Rivera- Yes with the four conditions

The applicant's petition was unanimously accepted.

NEW CASES

Merrimack Street Planned Unit Development

Salvatore Lupoli

Socrates De La Cruz was present to address the members of the board.

He stated that he was a part of the team that is handling the project taking place on Merrimack Street. He added that Lawrence has had a storied history that is both good and bad. He stated that the citizens of Lawrence have inherited the responsibility of caring of the city and that they should be honored that they are entrusted with her care.

He then stated that he and his colleagues are present regarding the Planned Unit Development (PUD) on Merrimack Street which is being performed at the complex that is known as The Riverwalk. He stated that he had grown up in the Hancock Projects as a child and he stated that at one point in Lawrence's history, Merrimack Street was a very dangerous place.

He then stated that currently, Merrimack Street is now a vibrant and upbeat area. He then added that he is a tenant and it is an amazing place to work. He added that he and his colleagues are before the board to secure variances which will "continue the vision", which will last about 20 years. He stated that the PUD would help keep talent in the city.

Rick Friberg, the civil engineer on the project then spoke.

He stated that over the course of the years the project has changed significantly. He added that he and his colleagues are before the board to secure several variances that will help establish the PUD. He then added that over the course of the years there have been five planned unit developments and that this PUD will essentially consolidate the previous five into one large PUD.

Mr. Friberg then stated that he and his colleagues plan on going before the boards for each step of their project, essentially going before the appropriate boards each time a new building is set to start construction.

Brian O'Connor of Cube 3 then addressed the board.

He stated that he and Cube 3 are currently tenants at the Riverwalk. He then stated that the next step in development would be to establish the PUD and start constructing on all of the proposed projects.

Mr. O'Connor then presented renderings to the board to show what the Riverwalk could potentially look like.

He stated that one of the main goals of the project was to improve connectivity to the Merrimack River. He also added that one goal would be to connect the east and west along Merrimack Street and make the area friendlier to individuals who like to walk, run, walk their dogs and ride their bicycles. He then stated that the Riverwalk will transform into a mixed-use environment. He added that the complex will also be open to the public. He added that the goal will essentially create a new main street that will connect to everything all together. He closed his part of the presentation by stating that the Riverwalk will connect the greenways together and be a 24 hour development.

Steve Prestejohn then addressed the members of the board. He stated that is an employee of Cube 3. He added that the parking garage portion of the project is currently being constructed.

He then added that a 13 story tower will be constructed as a part of the project. He stated that three floors will be commercial and ten floors will be residential. He then added that the commercial units could possibly be used as medical and retail spaces. He then added that there will be a courtyard that is publically accessible. He then stated that another tower constructed in the building will be 13 stories, 12 of which will be residential and once of which will be commercial.

Mr. Rivera then asked if a spot where a current parking lot is located is going to be used as more parking. Mr. Prestejohn then stated that it would be.

Mr. Prestejohn then explained another potential project that would be taking place on Merrimack Street.

He then stated that, essentially, parks and other nature related amenities will be strung together. He then added that all of the flat parking will turn into garage parking. He stated that rather than constructing parking that spreads outwards, the parking will spread upwards.

Mr. Friberg then spoke again regarding the project.

He stated that there will be uses that will supplement the residential aspect of the proposal as well, such as a Cumberland Farms style gas station and a super market.

He then stated that many of the goals that Lupoli Companies and their colleagues have are aligned with the goals that the city has.

He then added that by developing inward the amount of "urban sprawl" is reduced.

He added that Lawrence has a need for more housing and the projects housing component will help alleviate some of that stress. He then added that the project will produce millions of dollars of taxable income that will benefit the city directly.

Mr. Frieberg then listed some of the relief that they were going to need from the city in order to accomplish their project.

Mr. Fernandez then asked if the Merrimack River walkway would be the responsibility of Lupoli Companies. Mr. Frieberg then stated that the walkway was owned by Enel and the Lawrence Sanitary District.

Mr. Frieberg then stated that the group is even exceeding the amount of relief from the city that they might need.

Mr. Frieberg then added that the project is very unique because the area where the project is set to take place is surrounded by public ways. He then stated that the relief that he and his colleagues are requesting will not hurt the public. He also added that the relief that he is requesting is consistent with the types of relief that the city has granted in the past.

Lauren Messina and her husband of 285 Merrimack Street were present to address the board.

Ms. Messina opened up her statement to the board by stating that she was very offended by the comment that Mr. De La Cruz made when he called Merrimack Street “unsafe”. She reiterated that the area is very safe.

Ms. Messina then stated that her home is across the street from the current Riverwalk. She stated that there was an area in the past that used to have homes and other residences on it and it is currently a parking lot.

She then added that her home is directly affected by the troubles on Merrimack Street. She reiterated that she has no wishes for the project to stop and that stalling or delaying the project is not her wish, she also added that she is scared that Lupoli Companies will take her home.

She then added that the home that she is currently living in has been in her family for years. She added that the parking and traffic on Merrimack Street is atrocious and the project taking place on Merrimack Street would only exacerbate the problem.

Mr. Frieberg then stated that traffic and parking studies have not been done, but they will be when the current projects on Merrimack Street are done.

It was mentioned by Mr. McCarthy that the current condition of Merrimack Street is a problem. Mr. Frieberg then stated that the construction of the garage is a problem, but it will be done by the fall of 2020.

Mr. McCarthy then stated that the city is not directly involved in the project and as a result the city maintains as neutral position regarding the project. However, the city does appreciate the fact that the development will bring jobs to the area, and the city also appreciates that the taxes raised as a result of the development will positively impact the city’s income. He also added that it is an inherent consequence that the development will impact residents of the south side of the street. He then stated that the applicants are also scheduled to go before the LPB on March 4th, where all of the conditions will be addressed.

Mr. Frieberg then stated that he and his colleagues are willing to establish a committee or task force that will tackle all of the issues going on with the development. He then stated that a rotating series of traffic studies will be done in regards to the area.

Joel Doersam of 285 Merrimack Street was present to speak against the project.

Mr. Doersam started by stating that the cross walk lights on Merrimack Street are a problem. He stated that there have been several times where pedestrians will press the button for the cross walk, but instead of waiting for the traffic lights to stop traffic they will cross on their own. As a result of this traffic comes to a complete standstill due to the fact that the lights on all sides of the street are red, while no one is crossing. He added that adding parking garages would only make the parking and traffic situation on Merrimack Street worse. He stated that the traffic issue is “ridiculous”. He then stated that many things have to be addressed before the buildout takes place.

Mr. Campos then asked Mr. Frieberg to respond to the abutters concerns.

Mr. Frieberg then stated that he agreed with the residents of 285 Merrimack Street. He stated that traffic on Merrimack Street is a tremendous problem. He also stated that the construction of a 1,200 car garage will help alleviate the parking needs on Merrimack Street. He also stated that many parking spots have currently been taken away due to the construction that is going on, but as soon as that is done, more spots will open up. He added that in the short term due to the construction that will be taking place the parking will be a problem, but the parking that will be created will help the area immensely.

Mr. Frieberg then established that the PUD is just to establish the vision of the project. He added that there will be no construction as a result of this meeting. He also stated that all of the appropriate studies will happen before construction is started. He then stated again that studies will be done during each phase of construction and each new building that is being proposed will go before the appropriate city run boards.

Mr. Frieberg then stated that he would be happy to meet with the residents of 285 Merrimack Street and come up with an amicable solution.

Gerry Darcy of Lupoli Companies was present to speak.

She stated that the homeowners of 285 Merrimack Street have her contact information and they are encouraged to contact her whenever they need help. She stated that at some point The Lupoli Companies had shown interest in purchasing Ms. Messina's home. She also stated that Lupoli Companies has tried their hardest to be transparent and for the most part there is synergy between members of the public and Lupoli Companies. She added that the project would create jobs in the area and create destinations that people from outside of the city can visit. She also applauded the city for their work.

Mr. McCarthy then stated that approval of the PUD only approves the concept of the plan. He stated that the project would have to go before the boards again. He also stated that the plans regarding the development will be more comprehensive as time progresses. He added that his wife owns a business on Merrimack Street.

With no further discussion,

The board voted and the results are as follows,

Beatrice Taveras- Yes

Frank Campos- Yes

Will Mazola- Yes

Roberto Fernandez- Yes

Richard Rivera- Yes

The applicant's petition was unanimously approved.

16-18 Fitz Street

Josue Garica

Present before the board were Frank Giles and Josue Garica.

The land in questions is 4,000 square feet and is located in an R-3 Residential Zoning District. It was stated that the applicant would need a 1,000ft variance, specifically for the sides of the building.

It was mentioned that the home is within the flood plain, so in order to mitigate flooding and water damage the home will be a slab on grade, with frost walls. The home will also feature a single bay, front load garage.

He also stated that the home will be a two family home which will consist of the first unit on the second floor and the second unit on the third floor. The ground floor would not be livable space.

Mr. Rivera then asked if the home that was being displayed on the screen was the type of home that is being proposed. Mr. Giles stated that it was not. Mr. Rivera then asked if Mr. Giles had a picture of the type of building he was trying to propose. Mr. Giles stated that he did not.

Mr. Rivera then stated that he wants to make sure that he sees the plans that are being proposed.

Mr. McCarthy then stated that the home would be a standard duplex. He stated that the problem rests with the Lawrence Fire Department, due to the fact that the homes are too close together.

Mr. Giles then stated that the entranceways to the units would be via a staircase on the right of the garage.

Mr. McCarthy then stated that the homes appear to be very close.

Mr. Rivera then asked Mr. Giles and Mr. Garcia what the hardship was. Mr. Giles stated that there is not one, or perhaps a financial one. Mr. McCarthy then stated that a vacant lot can be a hardship.

Mr. McCarthy then stated that the home is not "grandfathered". He added that the home would need a Special Permit from the Lawrence Planning board. He then added that the homes in the area were built before cars were invented.

Mr. Rivera stated that the city would consider keeping the home a single family.

Mr. Giles then stated that he has a plan for a single family home. The applicant stated that a single family home would be out of place. He also stated that he can rework the dimensions of the building to make the building safer.

Discussion ensued regarding the driveway.

Mr. Giles recommended a front load garage and a slab on grade foundation.

Mr. Fernandez would like to see the design.

Upon a motion made by Mr. Campos and seconded by Mr. Mazola, the board unanimously decided to continue the matter until the next meeting.

12-20 Eutaw Street

Charles Hope

Present to address the board was Allen Hope.

He stated that he had a history building in Lawrence.

He stated that at one point there had been a building in close proximity to the lot on 12-20 Eutaw. He added that he had acquired the lots from 12-20 Eutaw approximately 20 years ago. He stated that his plan was to combine the lots and build two duplexes.

Mr. Giles then addressed the board.

He stated that the plans are generic and it would be a typical duplex style home. He stated that there are enough setbacks and the backyards would be approximately 2,000 square feet.

Mr. McCarthy then stated that two duplexes in the area would be appropriate. He added that the relief that the applicant is requesting is minor, but that he has a problem with the design of the buildings themselves. He stated that he does not like the idea of constructing garages under the house. He stated that the reasoning behind his statement was because residents of the homes inevitably end up using the garage as storage space.

Members of the board then asked if parking could be moved to the rear of the building. Mr. Hope and Mr. Giles stated that it would be more feasible to construct garages.

Mr. McCarthy then stated that the applicant would be approved, but they need to reconsider the design of the building.

Tim Lutrell, the general contractor of the project, was present.

Mr. Lutrell stated that garages under the residential portion of the home have been done previously.

Mr. Rivera then stated that the homes proposed on 12-20 Eutaw would not have a similar appearance to the other homes in that area. He also stated that the city would have problems regarding the parking.

Mr. McCarthy then stated that the lot is big enough to support two duplexes. He encouraged the board to accept the applicant's petition, but to make it a condition that the applicant submits new plans to him.

The following condition(s) were presented to the applicant:

1. Applicant must submit landscape and architecture plans to the city's LUP.

With no further discussion,

The board voted and the results are as follows:

1. ***Frank Campos- Yes with the condition***
2. ***Will Mazola- Yes with the condition***
3. ***Roberto Fernandez- Yes with the condition***
4. ***Beatrice Taveras- Yes with the condition***
5. ***Richard Rivera- Yes with the condition***

The applicant's petition was unanimously approved with one condition.

113 Haverhill Street

Julio Romero

Christina Paris was present to address the board.

She stated that the building on 113 Haverhill Street was once an old social club with no parking. She stated that there are several two family homes in the area. She stated that the homes are very close to each other. She stated that her client would like to convert the home into a two family home. She stated that the previous owner had the social club on the bottom floor and he used to live upstairs. She stated that she did not want to change the footprint.

Mr. McCarthy stated that it is a residentially zoned lot and the use is appropriate to the neighborhood, but the main issue is the parking. He stated that the conversion would be an improvement. He then stated that a one family home would be more appropriate due to the size of the home.

Ms. Paris then stated that a one family home would not satisfy the applicant; she then stated that if the home weren't a two family home then her client would continue to use it as a social club. She then stated that using it as a social club would be an issue and the city may not approve of the use, but it will be the only option.

Mr. Rivera then stated that building was closed for more than two years; therefore the building has lost its status as a social club.

Mr. Fernandez then asked Ms. Paris if she had a design of what the home would look like if it were a two family home. Ms. Paris stated that she did not. She then stated that approving a one family home would have the same vehicle number as a two family home.

Mr. Fernandez asked if the top floor would be a single bedroom unit. Ms. Paris stated that it would be. She then stated that it would be a very large single family.

Mr. McCarthy then stated that a large single family home would be bad for the area.

Mr. Rivera stated that he does not see the hardship.

Discussion ensued regarding the plans that were submitted.

Mr. Fernandez then pointed out that exterior stairs are not allowed. The methods of egress need to be internal. He then stated that a single family would be a better fit.

No one was present to speak for or against the petition.

The board voted and the results are as follows:

Beatrice Taveras- No

Frank Campos- No

Roberto Fernandez- No

Will Mazola- No

Richard Rivera- No

The board unanimously voted to deny the applicants petition.

293 Hampshire Street

Jelli Realty, LLC

Present to address the board was Anthony Bistany, the attorney handling the case.

He stated that his client is very invested in the project. He added that his client has a sentimental connection to the City of Lawrence and he would like the project taking place at 293 Hampshire Street to reflect that.

He then stated that 293 Hampshire Street is a 10,000sf commercial building. He added that he and his client are before the board in order to secure a parking variance. He stated that the property is three parking spots shy of being in compliance. He added that the building has been updated and the exterior has been cleaned up significantly. He added that the building was formerly a car wash, but his tenants will use it as a mixed use building that will have office space and retail as its uses.

Mr. Bistany then stated that the relief is minor and the property would be a benefit to the neighborhood.

No one was present to speak against the petition

With no further discussion,

The board voted and the results are as follows:

Roberto Fernandez- Yes

Will Mazola- Yes

Beatrice Taveras- Yes

Frank Campos- Yes

Richard Rivera- Yes

The applicant's petition was unanimously approved.

62-64 Hancock Street

Elsa Tejada

Upon a motion made by Mr. Campos and seconded by Mr. Mazola, the board unanimously decided to withdraw the matter from the agenda.

439 South Union Street

Buntha Koy

Present to address the board was Buntha Koy.

Mr. Koy stated that he was in search of a Special Permit for a fitness boutique.

Mr. Fernandez pointed out the fact that the construction would be internal.

Mr. McCarthy stated that the applicants meet all of the criteria.

The hours of business would be approximately 5am-12pm then 2pm-8pm.

No one was present to speak against the applicant's petition.

With no further discussion,

The board voted and the results are as follows:

Will Mazola- Yes

Beatrice Taveras- Yes

Frank Campos- Yes

Roberto Fernandez- Yes

Richard Rivera- Yes

The applicant's petition was unanimously approved.

136-140 Essex Street

Renov8 Homes LLC

Arthur Broadhurst was present to address the board, the attorney on the project, was present to address the board.

He stated that he was before the board on behalf of Renov8 Homes LLC in order to secure a variance that would allow his clients to construct a 28 unit apartment building on Essex Street. He also stated that the applicants have 28 parking spots and because of that they will need a parking variance.

He then stated that the structure will be six stories high and measure is at 77 feet.

Mr. McCarthy stated that he was not too concerned about the height of the building. He stated that the issues (if any) regarding the height would be addressed when the applicants go before the LPB next week.

Mr. Broadhurst stated that there will be 18 parking spots underneath the building and 10 directly across the street. He then stated that “meeting halfway” in regards to the parking situation would be the best solution.

Mr. McCarthy then stated that it would be market rate housing and that the units are an appropriate size. He then stated that the units would appeal to young professionals who have discretionary income.

No one was present to speak for or against the applicant’s petition.

Mr. McCarthy then presented a letter of support from the mayor.

With no further discussion,

The board voted and the results are as follows:

Beatrice Taveras- Yes

Frank Campos- Yes

Roberto Fernandez- Yes

Will Mazola- Yes

Richard Rivera- Yes

The applicant’s petition was unanimously accepted.

25 Water Street

Raul Cruz

Upon a motion to continue made by Mr. Campos and Seconded by Mr. Mazola, the board unanimously voted to continue the matter until the next meeting.

3 North Parish Road

Adrian Encarnacion

Upon a motion made by Mr. Campos and seconded by Ms. Taveras, the board unanimously voted to continue the matter until the next meeting.

BOARD BUSINESS

The board was assigned their decisions.

- 27 Boehm Street was given to Dan McCarthy.
- 439 South Union Street was given to Frank Campos.
- 70 Williams Street was given to Beatrice Taveras.
- 12-20 Eutaw Street was given to Roberto Fernandez.
- 113 Haverhill Street was given to Richard Rivera.

Upon a motion made by Ms. Taveras and seconded by Mr. Mazola, the board unanimously voted to approve the previous month's meeting minutes.

It was also decided that the ZBA meetings will be moved from 7:00pm to 6:00pm effective immediately.

Upon a motion made by Ms. Taveras and seconded by Mr. Campos, the board unanimously voted to adjourn the public meeting.