

# ZONING BOARD OF APPEALS

**Vice Chairman**  
Richard Rivera

**Voting Members**  
Frank Campos  
Beatrice Taveras



**Chairman**  
Richard P. Consoli

**LAWRENCE  
MASSACHUSETTS**

**Administrative Assistant**  
Anne-Marie Nyhan-Doherty

**Land Use Planner**  
Daniel A. McCarthy

## Minutes of the Zoning Board of Appeals April 26, 2018

### Attending:

Beatrice Taveras  
Richard Rivera  
Richard P. Consoli  
Will Mazola  
Roberto Fernandez  
Frank Campos (appeared late)

### Also Present

LUP                                      Dan McCarthy  
Taking Minutes                      Laiza St. Onge

Dick Consoli calling cases. Informed petitioners and witnesses of procedural rules. Calls list of scheduled cases.

### Continued items:

1. **Danis Reyes - 173-175 Haverhill St** – Request to continue – Motion Rivera/Campos 2<sup>nd</sup>  
Applicant is providing new plans and wishes to amend project for a mixed –use, Motion to continue made; approved 5-0.
2. **BCAD c/o Sadie – 34-38 Park St** – Frank Giles asked for continuance – Motion Rivera/Campos 2<sup>nd</sup>  
New plan submitted. Looking for input from LFD and DPW on safety issues.
3. **Max Trejo – 33 Springfield St** – Frank Giles; applicant not there yet.– will go to new cases will put it at the end with the other Max Trejo case

### New items:

1. **5 Berkeley St** – Mr. Santos is here. Agent Marcos Devers expected.
2. **202 Broadway** – Marcos Devers expected, 2<sup>nd</sup> call
3. **338 Lawrence St** – Greg Arvanatis, agent for app. ready to go forward
4. **38-42 Rowe St** – Frank Giles, agent for app. ready to go forward
5. **262 Water St** – Frank Giles, agent for app. ready to go forward

### Cases

1. **5 Berkeley St** – Marcos Devers and Mr. Santos presented the board with plans. Applying to add another dwelling to lot. Property has two street entrances and existing garage on the rear part of the lot. Wants to convert existing garage to apartment unit. Means of egress is practical because it has two entrances. Can get into rear part of the building. Rivera – we do not have a copy of it. Devers presented the board with a copy of it. Is basically a single family in a R2 district. It would be kind of like an in-law apartment. Requesting a variance.

RRivera – how many bedrooms. Devers – 2 bedrooms, it is a simple small building where the garage is.

RConsoli – will it be rental or owner occupied – Devers – it would basically be for family

RRivera – what is the hardship?

Mr. Santos – is in the event of receiving family so that they can have privacy

RR – in the past people have asked for the same thing. It is a garage right on the property line, it is a garage, we have voted no in the past. If we vote yes everyone will want to do the same thing to convert their garages into a house.

Consoli – is the existing residence a two family –

Mr. Santos – it is a single family with accommodation of 4 parking spaces. The new dwelling will have proper access through the back through the alleyway

LUP Daniel McCarthy – presented letter from an abutter. Dick Consoli read aloud.

Letter from Grace Piazza – address to council. Reyes and D. McCarthy. Received notice of hearing cannot attend meeting but request zoning ordinance be obeyed . Very concerned because the neighborhood is already congested. Parking is nightmare, too many pedestrians. Very few residents shovel. It is a safety issue with snow removal.

Consoli – anyone want to address the board – Asks McCarthy do you have a recommendation.

Planning department is objecting to this, this property was sold under yard sale program, this would be a home on Keilhau Court, we could have sold it for more money so that they can retain it as open space.

Variance is two feet from property line where 12 is required, it does not have enough setback even for a garage. Allowance would set a bad precedence of converting garages to residence. This would be a burden to the neighborhood.

Consoli asked Mr. Santos if he had a response – Mr. Santos is there any way we can withdraw the application without prejudice.

Rivera wants clarification – McCarthy if we withdraw without prejudice they can come up again within 2 years with a similar motion. If they make a decision today, they cannot come for 2 years

Rivera Motion to allow withdrawal WOP – Taveras 2<sup>nd</sup>;

Vote 5-0

2. **202 Broadway** – Juan Castillo applicant – Marcos Devers, PE

Mixed used building – proposing 6 apartments on the upper floors. The building is historic and underutilized – they want businesses downstairs and apartments upstairs. It includes parking on another lot to be purchased by Mr. Castillo. Devers showed the board a copy of the plan. Explains that they have spoken to Theresa Park, Dan McCarthy and other department heads and have asked what would be good there. Here for a parking variance, are seeking additional parking, but don't have that now. Will have nice apartments developed and update the commercial area.

Mr. Castillo is out of town so his son speaks on his behalf

Rivera – do you own the property across the alley. No. Will rent.

Dan McCarthy – proposal is to use 8 of the spaces on the lot on Bradford place. Proposal requires 12 parking spaces. Because the lot is across the alleyway, they would need a variance no matter how many spaces. The history of the building is that it was the last theater in the “theatre row district”. It has been used for a function hall recently. City thinks conversion is a good idea because the hall uses more parking than the apartment would, and functions have been problematic at this location in the past. Police calls etc.. The LFD need to confirm adequacy of the egress. The other question is lighting, in rear and at lot for tenant safety.

Rivera – one concern is the alleyway because it is unsafe and bumpy. Can we put condition that they fix the alleyway, not the entire alley but just in between the property and the parking area.

Castillo – have talked to other business owners and they would like to improve the alleyway as well.

RF – how do we go about making those parking spaces part of the property in the event of a sale.

McCarthy – need a lease in place with the 8 spaces.

The issue of safety between building is parking area can be address here.

RR – 6 units? – yes 3 per floor.

No other speakers

Motion to approve – unanimous with (4) conditions

Conditions –

1. Egress plan to be approved per fire;
2. Clean alleyway area between building and parking space;
3. Provide adequate lighting in rear of building;
4. File documents memorializing parking agreement.

3. **338 Lawrence St** –Applicant Jose. DeJesus;

GA Representing Jose DeJesus. Proposes to add a laundromat to existing commercial building. Has plenty of parking. Will create at least 2-3 jobs for residents of the city. Laundry will have separate entrances and will be managed and secure.

DM – for years this was an ice cream store , then there was a liquor use – property has always been commercial but the district is residential. Because residential, there are very few business allowed to operate there. It would serve people within walking distance. The laundromat will be on Center St. It is not a very impactful use. The only concern is the hours of operation. Other concern is landscaping, a lot trash, so they would want the property cleaned up.

GA – 9 a.m. to midnight.

DM 10 p.m. would be better. How does the board feel?

RF – access to laundromat would be through Lawrence St. or Center? It would be through Center St.

RR – does it has 2 egress. – Greg yes – everything will be done professionally.

Consoli – anyone present to speak– no

One of the conditions is to have a garbage can outside convenience store

Rivera question – what if someone shows up at 9:45 to do laundry. They would have sign that the last loud would have

RF – condition would be close at 10, but if there are still customers.

Condition:

1. Hours of operation 9:00 Am to 10:00 PM;
2. Exterior Lighting to be updated;
3. Trash can outside to be brought in overnight.

Vote to approve with 3 conditions; Unanimous

4. **38-42 Rowe St** – Frank Giles for Dario Gonzalez

Frank Giles – two building on one lot, would like to subdivide into two separate lots, they would share a common driveway will remain in place. Easement will be created to protect driveway rights. Nothing changes, it is just simply for the two buildings to be sold separately. Will mostly be owner occupied.

DM – references memo to the board ; the states allows such subdivision by right the on existing buildings, but such a division will make building non-conforming. Mr. Giles is asking for a variance prior to the subdivision.

Condition – Access easements need to be memorialized on the deed and the recorded plan.

Public speakers

James O' Donaghue; \_\_ Andover Street.

He is not opposed, but has concerns about the divided driveway. They live on a house that had a share driveway, so if they want to make improvements, they have to ask their neighbor, he is not friendly and opposes everything. What if one neighbor wants to pay for plowing and the other doesn't? the sewer can run from one house to the other. What kind of protection will there be if not jointly owned.

DM – This is good point. We have faced this concerns in the past. It may be worthwhile to put a condition to meet standards by water commission about new water and sewer setup in the event both houses are served by one line. Dan will talk to Brian Pena about this issue. Other issue is that the easements sometimes are not shown on the plans and deed. Don't know what can be done about maintenance concerns, that issue may be beyond them. We can make

Condition –

1. Water and sewer separation plan reviewed & approved by water commissioner.
2. Easement be maintained for both properties by deed and plans.

Vote made with 2 conditions – Unanimous

5. **262 Water St** – Frank Giles for Max trejo

Frank Giles – very similar to last case – applicant purchased land from the city that became the driveway. He is looking to subdivide. Situation similar to last case regarding sewer/water. Trejo indicated that it has already been separated.

Dan - you will have to grant sewer easement. Will add same conditions to have access easement be recorded.

Same situation as prior case – two buildings have already been subdivided, now they are just looking for a variance.

Rivera – green space will belong to single family house. Can we make a condition that the area stays green space?

Would like to make that a condition.

1. Water and sewer gets reviewed by water commissioner and they abide with they say.
2. Easement be maintained for both properties by deed and plans.
3. Green landscaped area in front of single family home to be maintained.

Vote with three conditions Unanimous

6. **33 Springfield** – Frank Giles for Max Trejo

Applicant renovating existing building. Former electrical shop. Would like to make mixed use. Commercial area and residential. Mr. Trejo goes over all the details. Trejo will make 5 units upstairs and 2 office spaces downstairs. The remaining are will be for storage space for applicants' construction/real estate business

DM – went to look at it with fire department. It is a difficult building because it uses all available land. , Mr. Trejo does good work in City. The City is not taking a position, but wants what's best for the neighborhood. Prior use was more burdensome on the neighborhood. Not concerned with applicant, but concerned about future landlords. Will leave to the board.

MT -The proposed use will take less parking than the commercial use that was there before.

RRivera – any room in the back? No.

Where the loading dock is, there will be two offices.

Consoli – Could you use the basement or 1st floor for parking. Difficult.

The apartments will be two bedroom units – approximately 800-850 sq. ft. each.

Consoli – any alternative use?

Dan –LFD did not have time for feedback. Biggest concern is access to the building. There is no space in the alleyway.

DM – All agree, building is not appropriate for the neighborhood.

RR – is an eyesore

Consoli – challenge would be to find an alternative use for building. Max though about selling, who knows what would go there after. Whoever purchases will face the same concerns.

Max – we can rent it out to a commercial user because it is grandfathered in.

Dan – hope is that we can do parking in the lower levels, but that will not work. There are a lot of cars on Springfield St, there are very limited parking spaces.

FCampos – maybe you can rent space from the church across the street

Dan – the church has parking issues themselves.

No one present

After Roll call ; Petition Denied 5-0

*Upon a motion made by Mr. Rich Rivera and seconded by all, the members unanimously voted to adjourn this meeting continuing the matters as so noted.*