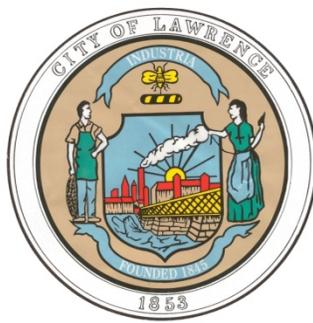


# ZONING BOARD OF APPEALS



# LAWRENCE MASSACHUSETTS

## Vice Chairman

Richard Rivera

## Voting Members

Frank Campos

Beatrice Taveras

Will Mazola

## Associate Voting Member

Roberto Fernandez

## Chairman

Richard P. Consoli

## Administrative Assistant

Jorge O. Martinez

## Land Use Planner

Daniel A. McCarthy

## ZONING BOARD OF APPEALS

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

Frank Campos-Present

Roberto Fernandez-Present

Also Present:

Jorge Martinez, Minute Taker-Present

Michael Armano, Acting Inspectional Services Director-Present

David Palumbo, Acting Building Commissioner-Present

Lt. Corey Scott, Lawrence Fire Department- Present

*Upon a motion made by Mr. Mazola and seconded by Ms. Taveras, the board unanimously decided to open the public meeting.*

## CONTINUED CASES

### **26-28 Summit Avenue**

### **Maria De La Cruz**

Present to address the members of the board were Maria De La Cruz, Marcos Devers, and Lunara Devers.

Mr. Devers started off by stating that he has taken the city's concerns into account and as a result he has made changes to the proposed single family home. He reiterated that a retaining wall will be installed, which is simple from an engineering perspective. He also added that the overall floor area of the home will be reduced in order to shrink the home. He then stated that he and the applicant are inline to comply with the requirements and proposed conditions. He added that the living area has been reduced and the facade of the proposed building will be improved upon.

Mr. Devers then stated that he has not submitted any updated plans which show the changes due to the fact that the architect who is handling the case has had a medical issue.

Mr. Rivera then stated that the members of the board cannot vote on the project without the updated set of plans. He then stated that during the first meeting it was established that the hardship for the proposal was the fact that Ms. De La Cruz's husband has physical limitations which make traversing the existing property very difficult. He then stated that he has received calls from concerned citizens who have stated that the land is too small to build on. He concluded by stating that he understands that this case will set a precedent, but he would like to make accommodations for the applicant due to the fact that her husband is currently unable to maneuver the home safely.

Ms. De La Cruz then stated that she has been a resident in the city of Lawrence for many years. She stated that initially she did not want to stay in the city, but as a result of her hard work and dedication towards the city and its residents, that caused her to reconsider. She then stated that she does not want to set a precedent, at the end of the day she just wants what is right for the city.

She concluded by stating that she just wants what is right for the city, but also that she wants to accommodate herself, her husband and her aging family members.

Mr. Martinez then read the letter that the Mayor Rivera had written in support of the project.

Mr. Rivera then stated that the Lawrence Fire Department (LFD) had some concerns regarding the safety of the homes. Mr. Devers answered stating that a sprinkler system will be installed and that he is willing to accept the conditions that pertain to safety. He then stated that sprinklers will be installed as a result of the setbacks between the two structures not being in compliance. Mr. Devers also stated that he is prepared to go beyond the requirements to ensure that the proposed home is as safe as can possibly be.

There were no abutters present to speak for or against the petition.

Mr. Devers then stated that there are in fact many people within the neighborhood who support the petition.

Mr. Devers then stated that a curb cut will be installed on Prospect Street that will lead to a garage which will be designed for a three point turn and for the vehicles to turn right.

Mr. Devers then requested that the members of the board continue the case until the next meeting so he can present the proper plans.

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

***452 South Union Street  
Merelyn Banegas***

Merelyn Banegas was present to address the members of the board.

***Mr. Rivera translated for the applicant.***

Mr. Banegas stated that he was before the members of the board in order to secure a variance to convert a single family home into a two family home. He stated that he had submitted an application so his case could be heard.

Mr. Rivera then asked if the apartment would be in the attic. Mr. Banegas stated that it would.

Mr. Rivera then stated that the unit would need to safe means of entrance and egress. He then stated that the exterior stairs that the plans call for is not allowed in the city of Lawrence. He then stated that the petition cannot be accepted as proposed.

Mr. Banegas then explained the layout of the interior of the home to the members of the board in an effort to sway their decision. Mr. Rivera then reiterated that the board cannot grant relief due to the fact that the staircase is on the exterior of the building. He then stated that Mr. Banegas should get in touch with the architect who drew up the plans and see if there is any way that they can move the stairs to the interior of the building.

Mr. Banegas was then told that he had the option to withdraw the case without prejudice or continue it until the next meeting. Mr. Banegas chose the latter.

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

***14 Atkinson Court  
Ken Kolifrath***

Present to address the members of the board was Frank Giles, the land surveyor on the project.

Mr. Giles stated that the proposal has changed from seven townhouses to six townhouses which will be on the same side and parking on the other side.

He stated that there are concerns about the parking on the street and also that if the proper improvements are made the city will consider accepting the street in the near future. He then stated that the project had gone through all of the proper channels and that the site has been visited multiple times by city officials. He then stated that if the project were to be accepted, it would have to go before the Lawrence Planning Board (LPB) as well.

Lt. Scott then stated that the site had been visited by the LFD and that they have no objections to the proposal.

A lady who identified herself as Kelly stated that she was present on behalf of her mother, Beverly Laird who owns the property located at 5 Atkinson Court.

She stated that the members of the board should vote as if it were their homes that were being affected. She stated that she believes that her mother and the rest of the members of the neighborhood will not benefit from the development being placed at 14 Atkinson court. She also stated that she has been in regular contact with the developers and the city regarding the proposal and she has had several questions that remain unanswered. She also mentioned the subdivision control law and stated that in this instance it would be violated by this proposal.

Kelly then stated that the board has the power to protect the residents of the City of Lawrence. She then suggested that the resident of the neighborhood are going to be less safe as a result of the proposal if it were to be accepted. She then stated that the new homes need two new parking spaces which would in turn hurt her mother's property due to the fact that it would be unfair for her home to have one spot and the others to have two.

She then stated that the project would have to fit the R-3 zoning regulations and she does not want this proposal to resemble another one where the applicant constructed a home that did not fit the plans that were submitted to the board. She then stated that the abutters see no advantages to the proposal and that they should not pay higher taxes as a result. She then stated that traffic and noise would be a problem as well as the fact that her mother's property would lose a parking spot.

Mr. Mazola then asked which of Kelly's concerns had been addressed. Mr. Giles stated that Kelly and her mother have been asking questions which do not have answers due to the fact that the development is still in its infancy. He then stated that the Inspectional Services Department (ISD) will remain vigilant and attentive and will be prepared to put a stop to the work if any problems arise.

Mr. Mazola then asked if parking for the residents in the area will indeed be lost as a result of the development. Mr. Giles stated that it would not. He stated that the loss of a parking space will be a perceived consequence and will not happen.

Kelly then stated that these resolutions were hypothetical; she does not want the abutters in the area to lose what they have enjoyed for years. She then stated that the street is 17 feet wide and that there will be increased traffic as a result of the proposal. She stated that the street is not large enough to handle all of the traffic that will happen as a result of the proposal.

She then stated that there is a discrepancy in the number of units shown on the plan versus the number of units that the plans had listed on them. Mr. Martinez then asked Mr. Giles if it was possible that a mistake had been made when typing up the plans. Mr. Giles stated that it was indeed a typographical error.

Mr. Fernandez then asked a question regarding the easements. Mr. Giles then stated that the easements have nothing to do with the property where the proposal is taking place.

Conversation ensued regarding the exact nature of the easement and who it was granted to.

Mr. Martinez then stated that the plans that the board votes on need to be correct, that way there are no changes or alterations that the board did not approve of.

Mr. Fernandez then asked if Kelly's mother has parking or not? Kelly stated that she has one spot on the side of her home and another in the street, which she would lose as a result of the proposal.

Mr. Giles then stated that it would be wrong to continue the matter for a minor typographical error.

Kelly then stated that the table of dimensions also has this error. She then stated that her mother would want speed bumps and a parking spot to be dedicated to her as well.

Mr. Rivera then asked Mr. Giles if it would be possible to honor her request. Mr. Giles stated that he does not know. He concluded his statement by stating that a lot of the matters being discussed will have answers in the future.

There was a discrepancy regarding the parking space that Ms. Laird has been parking on.

Mr. Mazola then asked if the rules that govern parking on public streets are the same as the rules that govern private streets. Mr. Martinez stated that an argument can be made that the spot that Ms. Laird is parking in may not belong to her in the first place, as it is on the street and not off of it.

The following conditions were presented to the applicant:

1. ) Speed bumps be installed on the court in such a manner that they reduce the speed of passing motorists to ensure the safety of pedestrians.
2. The applicant will submit a revised site plan with all typographical errors fixed.

With no further discussion,

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

***Richard Rivera, Chair- Yes with the conditions***

***Roberto Fernandez- Yes with the conditions***

***Will Mazola- Yes with the conditions***

***Frank Campos- No***

***Beatrice Taveras- No***

The applicant's petition was denied by a vote of 3-2.

## **NEW BUSINESS**

### ***16-18 Hamilton Street***

***Sadie Camilo***

The applicant was not present to present to the members of the board.

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

### ***53 Kingston Street***

***Carla Morel***

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

They stated that they were proposing a two- family conversion of a single family home that had been destroyed by the Columbia Gas explosions.

They are proposing to construct the home in the safest way possible.

It was stated that a two-family home would be more in character in the neighborhood.

The applicant is promising that they will maintain the alleyway behind the home that way the resident of the home can access the parking lot via the alleyway.

Mr. Devers then stated that the home will be a benefit to the area.

Mr. Martinez then stated that the situation regarding the alleyway will need to be addressed. He then suggested that Mr. Devers move the house back on the property so the residents can access the parking lot via the front of the house.

It was then stated that the lot in question is 3,700 square feet in an R-3 neighborhood where the requirement is 5,000 square feet.

It was also mentioned that applicant should submit a revised site plan, a landscaping plan and change the design of the home so that the parking lot can be accessed via the front of the home.

Ms. Morel then stated that her brother had lived with her in the home. She would like a two unit building so that she and her brother can live together without having to be in each other's way.

It was mentioned that the alleyway is not owned by the city.

Mr. Martinez then stated that he recommends that the proposal be left in the hands of the board.

Mr. Devers then stated that the alleyway is an eyesore.

Mr. Devers then stated that he may consider pushing the house back. He then stated that pushing the house back may not be possible due to the fact that construction of the house has already started. He stated that he is willing to accommodate a two-family home that way the Ms. Morel's family can live there.

Mr. Campos then asked how high the structure would be. Mr. Devers said it would be less than 35 feet.

Mr. Campos then asked if the basement would have a bulkhead entrance in the exterior of the building. Mr. Devers stated that it would.

The members of the board then asked if they can issue a condition that the attic could be strictly used as storage space. Mr. Martinez stated that it is possible.

Mr. Fernandez then asked Mr. Devers to reiterate how this proposal is dissimilar to the incident that occurred at 56 Smith Street where his name was also involved. He also asked if the wellbeing of the homes in the area was also taken into consideration. Mr. Devers stated that the applicants and builders for 56 Smith Street did not listen to his advice, nor did they make sure that the project went through the proper channels. He stated that this time around his name is attached to the project and he cares about his name and reputation.

Mr. Devers then stated that if the board were to propose using the attic strictly for storage then he would accept it on the owner's behalf.

He also stated that he is willing to redemdy the issue when it comes to setbacks. He is also willing to advise the applicant to maintain the alleyway.

It was also mentioned that a plan for the third floor would need to be submitted as well to ensure the safety of the residents and the safety of the fire department should they need to access the property.

Lt. Scott then stated that he would like to see the plans for the third floor. He also stated that he would like to have all of the smoke detectors interconnected.

It was then mentioned that the plans are not complete.

Ms. Taveras then mentioned that the project strongly resembles 56 Smith Street. Mr. Devers stated that people do cheat the system at times. He reiterated that the proposal will be done as it is was given to the board. Mr. Campos agreed with Ms. Taveras.

Mr. Devers humbly requested a continuance.

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

## **BOARD BUSINESS**

Mr. Martinez explained that due to the appeal for 112 Springfield Street, the members of the board would need to approve a set of minutes from September 5<sup>th</sup>, 2019. He also stated that the members of the board should examine this set to see if he missed anything.

*Upon a motion made by Mr. Fernandez and seconded by Mr. Campos, the board unanimously decided to accept the minutes for the month of June.*

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