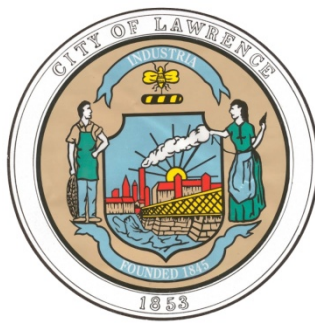


ZONING BOARD OF APPEALS



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 OCTOBER 1ST, 2020

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.

This meeting of the Zoning Board of Appeals was conducted in place of the meeting on 8-27-2020 which was cancelled.

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

Daniel McCarthy, Land Use Planner- 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. Campos and seconded by Mr. Mazola, 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 Marcos and Lunara Devers and Maria De La Cruz.

Mr. Devers stated that the project has been before the board for a number of months. He then presented a set of plans to the members of the board. He then stated that he and his client had concluded that all conditions that the board had suggested had been met.

Mr. Devers had stated that the project has had some major changes; he stated that the group had agreed to construct a small, one level, single-family home. He then stated that the home will be used to house members of the family. He stated that the parents are getting older and need a home that is going to accommodate their needs. He then stated that he is open to questions.

He then stated that after the subdivision, one lot would be 4,200 square feet and the other would be 6,700 square feet. He then stated that the project will call for off-street parking in built-in garages.

He added that he is willing to work with the Department of Public Works (DPW) on the retaining wall that needs to be installed as well as the curb cuts that need to be installed throughout the property.

He added that the single-family will help bring the project into compliance. He stated that the attic will be low-pitch to prevent the attic from being inhabitable. He stated that the attic would only be used for storage.

Mr. McCarthy then stated that the city has not taken a position on the case. He then stated that there have been many criticisms from the city regarding the size of the lot and home. He then stated that the Lawrence Fire Department (LFD) has also provided input regarding the plans. He restated that the Planning Department (PD) has not taken a position on the case, not the city.

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

- 1.) Applicant must abide by all of the requirements and standards set forth by DPW and the Water Department.
- 2.) Applicant must submit a landscape plan.

Mr. McCarthy then asked if any of the other departments had any more input. Ms. Taveras then asked if the Inspectional Services Department (ISD) or Building Department (BD) had any questions. Mr. Armano then stated that no one from the LFD was present. Mr. McCarthy then stated that their main concern was the proximity of the houses.

Mr. Devers then stated that the fire safety issues can be addressed by creating a fire wall that has a higher rating.

Mr. Mazola then asked if the original proposal was for a single-family or a two-family home. He then asked if they have made it a one-family home now. He then asked if this proposal was the original one that they had asked the applicant to “revamp”. Mr. Fernandez stated that Mr. Mazola was right.

Mr. McCarthy then listed the changes that the applicant had made in order to bring it into compliance.

Mr. Fernandez then stated that he would like to commend the applicant for making concessions in the size of the home and the dimensions as well. He then stated that he wanted to applaud the fact that applicant had made improvement.

With no further discussion,

The board voted and the results are as follows:

Beatrice Taveras- Yes with the two conditions

Frank Campos- Yes with the two conditions

Will Mazola- Yes with the two conditions

Roberto Fernandez- Yes with the two conditions

Richard Rivera, Chair- Yes with the two conditions

The applicant's petition was unanimously approved.

452 South Union Street

Merlyn Banegas

The applicant was not present to address the members of the board. Mr. Martinez stated that the applicant had expressed to him that he wishes to continue the case that way new plans can be drawn up.

Upon a motion made by Ms. Taveras and seconded by Mr. Mazola, the board unanimously decided to continue the matter until the next meeting which would take place on October 29th.

16-18 Hamilton Street

Sadie Camilo

Present to address the members of the board were Sadie Camilo and Attorney Brian Corrigan.

Mr. Corrigan stated that he joined the project very last in the process. He then stated that he had not been able to review the file as well as he would have liked. He then stated that this property

has been subject to review from the members of the board in the past, he added that the property was allowed to be subdivided before. He then stated that the members of the board may already be familiar with the proposal.

Mr. Corrigan then gave a brief summary of the proposal. He stated that the property in question is at the corner of Hamilton Street and Sumner Avenue. He stated that Ms. Camilo owns and resides in one of the units. He then added that the proposal is to further subdivide the existing lot and create an additional lot for construction. He then stated that the new home would be a small, modest two bedroom, single-family home. He then stated that Ms. Camilo would require a variance and that the lot is in an R-2 residential zoning district which would require 7,000 square feet to build. He then stated that the proposed lot would only be 3,500 square feet. He stated that he and Ms. Camilo are asking for significant relief, although in other sections of the proposal the proposed dimensional requirements are met. He added that the proposal is a few feet shy of the 70 foot frontage requirement. He then stated that all of the side setbacks and front yard setbacks are met. He then stated that what he and his client are asking for is strikingly similar to the proposal that the members of the board had passed just before this one.

He stated that the lot was very undersized, but what was being proposed was a small single-family home. He then stated that Ms. Camilo is more than willing to make the appropriate concessions that the board would deem necessary. He added that the applicant is more than willing to landscape the entire property.

Mr. McCarthy then stated that the city does not take a position in this case. He stated that he is willing to leave the decision up to the members of the board. He then stated that there needs to be a lot that is considered in this petition before the decision is made.

Mr. Rivera asked Mr. Corrigan if there was a hardship associated with the petition. Mr. Corrigan stated that he did not want to lie to the members of the board or make up a hardship that does not exist. He then stated that the hardship can be that the situation was somewhat self-created. He stated that Ms. Camilo is attempting to fill a need in the community. He added that there are very limited opportunities for new construction in the city, particularly the construction of single family homes. He then stated that the existing structure is placed on one side of the lot, leaving the side on the corner of Hamilton Street completely empty. He then stated that the proposal would need substantial zoning relief, but that it would not be out of character with what is in the area.

Mr. Corrigan then stated again that he believes that this petition is extremely similar to what the members of the board already approved. He added that he would like the members of the board to keep some sense of uniformity and approve this petition as well.

Mr. Rivera then stated that the difference between this petition and the other one is the fact that the last petition had a family hardship associated with it. He then stated that this is the reason why the board asks.

Mr. Rivera then asked if there was anyone in the audience who would like to speak for or against the petition.

Robert O'Koniewski of 3 Sumner Avenue then spoke against the petition. He stated that he lives so close to the property in question that he can see it from his property. He added that he is a longtime resident of the neighborhood. He then stated that he is a former member of the Zoning Board of Appeals (ZBA) and that this property had been before the board when he was on it. He then stated that at the time he and the previous members of the board had heard the case there was a discrepancy regarding what the property was zoned. He and the members of the previous board had surmised that the proposal should not be approved because there was no hardship associated with the original proposal. He then stated that the petition was later accepted by the members of the ZBA and that a two-family home was built, the one that exists now.

He then stated that instead of building on the whole lot, the group decided to situate the home exclusively on one side of the lot. He then stated that Ms. Camilo may not have been known that before she purchased the property. He added that this was done on purpose. He added that the original owners had the intent of going back to the board at a later time and proposing another home.

He then requested that the board deny the request and raised several other examples as to why Hamilton Street is not ideal for this type of development.

Mr. Corrigan then addressed the members of the board. He stated that the previous owner is the one who bares the blame and should be responsible for what had happened in regards to the previous ZBA petition. He stated that Ms. Camilo was not the one who did all of this. He then stated that he believes that the project is fair and is not obnoxious or out of line. He stated that it would be a small, modest single family home.

With no further discussion,

The board voted and the results are as follows:

Beatrice Taveras- No
Frank Campos- No
Will Mazola- No
Roberto Fernandez- No
Richard Rivera, Chair- No

The applicant's petition was unanimously denied.

53 Kingston Street
Carla Morel

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

Mr. Devers stated that he and his client have been before the board a number of times. He stated that he and his client have addressed the issues and that the group would be providing a much needed unit in the city. He then stated that the alleyway would not be used. He stated that off-street parking would be provided. He then stated that a low-pitch roof and pull down ladder will be used in the attic. He then stated that Ms. Morel stated she has a family hardship.

He added that the building will abide by the ordinances. He then stated that the gas explosions affected this property. He also stated that he and his client have taken steps to reduce the possibility of the unit tuning from a two-family home to a three-family home. Mr. Devers then stated that the home is in an R-3 Residential Zoning District and that he and his client are simply asking for a two-family home.

Mr. McCarthy then stated that during the previous ZBA meetings he had objections due to some of the aspects of the project. Mr. McCarthy then stated that he'd withdraw the objection due to Mr. Devers' wisdom on how it will not affect the neighborhood. He then stated that a hardship needs to be determined. He added that it may or may not be legally sustainable to list the Columbia Gas Explosions as the hardship.

Mr. Rivera then asked the members of the board if they had any questions. Ms. Taveras then stated that she wants to make sure that the stairs to the attic are a pull down ladder. Mr. Devers stated that it would be, he also added that the pitch of the roof would be so low that it would make it impossible for people to even stand up in it.

Mr. Devers then stated that the basement will also be used legally as well, so not to expand any pre-existing non-conforming uses.

Mr. Rivera asked some questions regarding the size of the lot in question and how much smaller it is than the requirement. He added that the houses are very nice, but they are also very large, he wants to make sure that the lot will be suitable for any project that were to put on it.

Mr. Rivera then asked the rest of the members if they had any questions.

Mr. Mazola then asked if the other board members in attendance would like to impose any conditions. Mr. McCarthy stated that during petitions of this magnitude, landscaping plans are always a condition.

Mr. Rivera then asked if anyone from the public was present to speak for or against the petition.

Karen Jones then spoke, *but* after listing her address it was decided that she was speaking about the wrong address on Kingston Street. She added that she wanted to speak against the project at 77 Kingston Street.

Mr., Rivera then asked the members of the board if they have any other questions.

Mr. Devers then stated that the group was willing to make changes to the size of the building. He stated that issues with the roof and the basement and the off-street parking have been addressed. He added that the building will change size if needed.

Mr. Rivera then stated that the size of the building is very important due to the fact that the home is large and there is not much green-space for people to congregate and children to play. He also stated that there are not enough parking spaces for the home either. Ms. Taveras stated that she agreed with his statement.

Mr. Devers then requested a continuance. Ms. Morel stated that before the backyard was used as a parking lot. She added that she wants a two-family because she wants to accommodate her family members from the Dominican Republic. She stated that her mother doesn't drive. She stated that only three cars would be on the property. She stated that she has already addressed many of the members concerns.

Mr., Rivera then asked the members of the board if they had any follow-up questions.

Mr. Devers then suggested to his client that she should consider a continuance, that way the issues that the board has brought up can be addressed and the proper improvements to the property could be made. Ms. Morel agreed with the continuance.

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

*190 Ferry Street
Elias Rodriguez*

Present to address the members of the board was Elias Rodriguez.

He then stated that Ms. Devers has the plans in question.

Mr. McCarthy then stated that the plans had been circulated throughout the various city departments and that the major change in the plans was the idea to remove the kitchen from the second floor. He then stated that the applicant owns a home with a pitched roof. He then stated that he would like to make that area habitable for his family. He stated that there might be only minor exterior construction. He then stated that the absence of the kitchen would fix the concerns regarding the in-law apartment.

Mr. Rodriguez then stated that he has over 12 feet of height. Mr. McCarthy then stated that he would not oppose the petition.

Mr. Rivera then asked where the main staircase would be situated. Mr. Rodriguez then stated that they go down to the second floor. He added that the staircase spans the entire building.

The following condition was proposed to the applicant:

- 1. Applicant will create doors in the area to connect the second and third floors using the main staircase rather than an exterior staircase.*

Mr. Rodriguez agreed with the condition.

Mr. Rivera then asked how many egresses there would be in the unit. Mr. Rodriguez stated that there would be, but that there are two methods of egress in the above unit and there is also plenty of parking. He added that the unit would be for his brother -in-law.

Mr. Rivera then asked the question again. Mr. Elias said that there is only one. Mr. Devers stated that he had worked with the owner and that he got engaged with the project towards the end of the project. He said that he would be willing to answer any questions.

Mr. Rivera then asked if "no kitchen" would be a condition. Mr. McCarthy stated that the applicant would not be available to be approved for a building permit if he wanted to include the kitchen.

Mr. Mazola then asked if the only concern was the kitchen. Mr. McCarthy stated that it was.

Ms. Taveras then asked if the applicant was going to construct the addition in such a way that the occupant would have to access the second floor in order to go to the third floor. Mr. McCarthy stated yes, that would be the case.

Mr. Palumbo then stated that a third floor in an R-2 would not be allowed. Mr. McCarthy stated that this is why he is asking for a variance. Mr. McCarthy then elaborated.

Mr. Armano then asked if it would be possible to have a second means of egress from the third floor. He stated that two egresses would be a lot safer. Mr. McCarthy then stated that the third floor is attached to the second floor which already has two egresses.

The following condition was proposed to the applicant:

- 1. Plans must be reviewed to determine whether or not a second egress on the third floor is an architectural possibility and if so, it will be constructed.***

Mr. McCarthy then stated that he wanted to avoid the possibility of constructing wooden staircases on the exterior of the building. Mr. Rodriguez stated that this is exactly what would happen.

Mr. Armano then stated that many conversations regarding in-law units have taken place. He added that the discussion needs to be had. He added that he does not want to hamper the progress, but that he wants to make units of this nature safer.

Mr. Rivera then asked if it would be safer to sprinkle the property. Mr. McCarthy then stated that he wouldn't go that far, but that the plans should be examined by the fire department and that all safety requirements that they impose, should be followed.

Mr. Devers then stated that he was hired in the last steps of the process. He then cited the Fire Code. He then stated that a three-family can be protected by a residential sprinkler system. He then stated that fire warning equipment needs to be used. He then stated that with the use of this technology, the project would be in compliance.

With no further discussion,

The board voted and the results are as follows:

Beatrice Taveras- Yes with the two conditions

Frank Campos- Yes with the two conditions

Will Mazola- Yes with the two conditions

Roberto Fernandez- Yes with the two conditions

Richard Rivera, Chair- Yes with the two conditions

The applicant's petition was unanimously approved.

172-178 Walnut Street

Johnny Castillo

Present to address the members of the board were Frank Giles and Johnny Castillo.

Mr. Giles then stated that the property is owned by Mr. Castillo and that his client had purchased the property knowing that it had recently been approved by the ZBA for a subdivision that was never acted upon by the prior owner. He then stated that Mr. Castillo is before the members of the board in order to restart the subdivision process. Mr. Giles then stated that a vertical two-family is being proposed which will be a better proposal than what was proposed initially. He stated that it was a good opportunity to approve the proposal and keep the area consistent.

Mr. Giles then showed an image of 172-178 Walnut Street and explained that the lot was once made up of three, 40 foot parcels of land. He then stated that the hardship with the proposal would be the fact that the property was tied up in Land Court at one time, which can be a very difficult property to navigate. Mr. Giles then added that another hardship can be the fact that Mr. Castillo bought the property thinking that it was a property which had already been approved by the board and granted the proper relief to build on.

Mr. Giles then presented renderings to the members of the board. Mr. Castillo then stated that the first meeting that Mr. Castillo and Mr. Giles had went to, Mr. Castillo was under the impression that the petition would be accepted, but that the board would need copies of certified plans. Mr. Castillo then stated that the lot is 360 feet short of the necessary 5,000 square foot requirement. He then stated that the board also wanted to see stamped architectural plans.

Mr. McCarthy then stated that during the last meeting it was a general agreement that the lot was large enough and appropriate for a two-family home. He then stated that the hardship associated with the Land

Court process is valid, he then stated that the plans that have been provided are detailed and appropriate with the neighborhood. He added that the homes will be horizontal. He then stated that the home will look good in the neighborhood.

There was no one present to speak for or against the petition.

The following condition was then presented to the applicant:

1. Applicant must submit a landscaping plan.

Mr. Fernandez then stated that he did not see any plans that were dedicated to parking.

Mr. Giles then showed those plans to the members of the board.

Mr. Armano then stated that the height of the building was in question, he asked if there was a height variance that was needed and what points that height will be taken from. Mr. Giles stated that the total height of the building will be 34 feet 10 inches. He stated that Mr. Armano made a good point, that many people in the city take advantage of the R-3 zoning district where the height requirement is 45 feet. He stated that the project is under the stories requirement and height requirement as well. Mr. Giles then stated that in an R-3, the home would be able to have that third floor. Mr. Giles then finished by stating that regardless of the number of floors, the project would be under the 35 foot height restriction.

The board voted and the results are as follows:

Beatrice Taveras- Yes with the condition

Frank Campos- Yes with the condition

Will Mazola- Yes with the condition

Roberto Fernandez- Yes with the condition

Richard Rivera, Chair- Yes with the condition

The applicant's petition was unanimously approved.

45-47 Irene Street

Juan Carlos Morel

Present to address the members of the board were Lunara and Marcos Devers. They indicated that they would like a continuance in order to provide plans that are satisfactory 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.

NEW CASES

519 South Union Street

Valley Auto Sales, LLC

Present to address the members of the board were Marcos and Lunara Devers, John Slaven and Neily Soto.

Mr. Devers stated that the proposal in question is located in an R-3 zoning district and is approximately 5,000 square feet. He stated that the project will be a subdivision and the proposal will be in character with the rest of the neighborhood. He then stated that the plans would call for a two-family home. He stated that the lot is a corner lot. He then stated that there would be off-street parking provided and that setbacks will be abided by.

Mr. McCarthy stated that there are several issues. He added that in the past the property had been used as a car dealership. He then stated that an investigation had been done as a result of complaints and it was discovered that permits had not been pulled.

He stated that the lot is residential and not to be used commercially. He stated that an order to cease and desist was issued and a review was done to determine what was to be done with the property. He then stated that Mr. Devers has reduced the size, but the other question is a question in regards to the grading of the lot. He said that the grade goes upwards.

Mr. McCarthy then stated that some more questions need to be addressed that pertain to erosion control and storm water management.

Mr. Rivera then asked if there was anyone present who would like to speak for or against the petition.

Present to address the board members was Joanne Salazar of 521-523 South Union Street. She indicated that her daughter, Jolin Salazar-Kish would be speaking on her behalf. Ms. Salazar-Kish stated that her mother has raised some concerns in a letter that she had addressed to the members of the board.

Ms. Salazar-Kish stated that she could not see anything on the plans that were submitted that pertain to grading. She stated that she could not find anything which explicitly stated that contour intervals or anything that explains the shape of the lot and how the slope of the lot is going to be mitigated. She stated that all of the images that she has reviewed show the lot as being perfectly flat. Ms. Salazar then stated that there is a retaining wall that is up against her family's property. She then asked what would happen to the retaining wall if the property were to become flat.

Ms. Salazar-Kish then stated that she and her mother are concerned about hydrostatic pressure or anything that is going to change the performance of the lot. She stated that the lot has been wooded area for 100 years.

Mr. Devers then stated that these questions need to be answered by a Registered Design Professional. He then stated that the grading will be addressed and the area will be safe. Storm water management will also be installed and storm water runoff will be addressed. He added that these concerns will be addressed at a later time with more specific and concrete plans.

Ms. Salazar-Kish then stated that it is very difficult to address an eight foot rise in the property without a decent set of preliminary set of plans. She then stated that in the rear of the lot in the area that calls for parking, that section of the lot is even higher than her mother's home. She stated that if a retaining wall were to be installed it would be nearly 15 feet tall, which would resemble a tunnel. She then stated that the retaining wall would be more expensive to construct than the actual house.

Ms. Salazar-Kish then stated that she believes that the group would need more information regarding the proposal. She stated that a full design might not be needed, but the slope of the lot needs to be addressed. She added that there is a garage that is right on the property line, which will not be in compliance with the setbacks. She stated that the garage that is in question is very close to her mother's garage. She added that the proposed home is very close to her mothers and that the proposed driveway is extremely close to her mother's garage.

She then asked what measures of fire separation were going to be installed, especially if the home is a two-family. She wanted to know if a 13D or FTA13 was going to be installed or perhaps no sprinkler system at all.

Mr. Devers stated that he will install all of the measures of fire mitigation that are required by code. He then stated that he'd even be willing to make the property system. He then stated that the only thing that may be required is a Fire Warning System according to the code. Ms. Salazar-Kish then stated that usually the code is provided when the setbacks and distances between the properties are being met. She added in this case, they are not. She then stated that it would be the decision of the board to determine whether or not these requirements are being met.

Ms. Salazar-Kish then asked why there was only one curb cut in the proposed plans. She asked if the driveway would lead to a dead-end where cars would enter, turnaround then exit. Mr. Devers then stated that the project only calls for one curb cut. He added that there will be one way in and one way out. He stated that this will also help with storm water management. He stated that this can be modified. Ms. Salazar-Kish then stated that it appears that cars will have to drive over the sidewalk.

She also stated that there is no recreational space. He added that the plans on what to do with the recreational space falls on the owner.

Ms. Salazar- Kish then stated that her main concern is in regards to the retaining wall and how it is going to be changed. She stated that her and her mother are willing to cooperate, but would like to be made aware of any changes that occur. She stated that she wouldn't like to incur any extra charges because of the retaining wall. Mr. Devers stated that he would be willing to cooperate.

Barbra Litchardi then spoke on behalf of her mother, Barbra Cook who is the direct abutter of the property in question located at 62 Jamaica Street. She read a letter that her mother wrote asking the members of the board to deny the request for the variance.

Councilor Mark Leplante then asked if there would be any preference for veterans housing groups for tenants.

Ms. Soto then stated that she had spoken with an organization that specializes in housing veterans. She stated that if it is within the budget, the home can be purchased or used as a tenement for veterans. She stated that the group cannot commit to anything until the property has been developed.

Mr. Laplante then stated that for years he has gotten many phone calls regarding the growth of the city.

Mr. Laplante then stated that The City of Lawrence is facing a very incredible growth spurt. He stated that this proposal will essentially add one or possibly two units into the city. He added that recently there have been a number of conversions to old mill buildings. He added that since 2010 there have been 1,335 new units constructed within mill buildings. He then stated that since 2010 there are 302 new units that are in the process of being filled and another 866 that are vacant, which makes a total of 2,503 total units. He then stated that after speaking to experts in the field, in comparison to other cities and communities, which is a huge amount of residential development.

He added that this is infield housing.

He stated that as a result there is an increase in the amount of stress on city services. He cited the Oliver School as an example and stated that in the case of the school a simple rehab of the property may not be enough. He stated that congestion, traffic and the plowing of snow are aggravating factors as well. He then stated that the congestion is also a problem.

Mr. Laplante also stated that the city is being suffocated by its own growth, he added that it seems like the city is not growing as smartly as they should. He stated that our rate of growth may only be second to Boston.

He then stated that he has a soft spot for veterans and would like to see the home go to veterans.

Mr. Rivera then stated that he has concerns about the driveway. He asked where snow would be placed in the event of a major snowstorm.

Mr. Devers then stated that a location can be determined or the path to snow storage can be redesigned. He then stated that this reworking can be made into a condition.

Mr. Rivera then asked where the refuse area will be on the lot. Mr. Devers stated that the garbage area is not on the plan. He stated that he can place it in an empty area of the parking lot. He then stated that an open area of the plans can be for landscaping.

Mr. Rivera then asked how fitting four veterans in one location would be helpful to them. Ms. Soto stated that the homes would house families. She stated that the organization has a need for units of all sizes. She stated that four one-bedroom units would be hard to sell. She then stated that the style of the home is favorable for families. She stated that multi-family dwellings are needed.

Mr. Rivera then asked who will manage the property if it were to be used as veteran's housing. Ms. Soto then stated that if the home were to be approved for veterans, it would not be subdivided. She added that if the home were to be subdivided, the veterans group cannot commit to it. She stated that if the house were to be leased out, the veterans group would take ownership.

Mr. Campos then stated that the plans that he has show two-bedrooms as opposed to the plans that call for three-bedrooms.

Ms. Soto stated that the number of bedrooms that were asked for had changed and the new plans were later submitted to the members of the board.

Mr. Rivera then stated that the board has the updated proposal.

Ms. Salazar- Kish then asked how cars would be able to get to the parking spaces in the back of the home. She stated that parking spots would be extremely difficult to navigate with cars in the other spots. She stated that there might be 14 feet behind the parking spaces. Mr. Devers stated that 10 feet would be needed. He stated it may not be a comfortable turn, but that it is doable.

Ms. Salazar-Kish then stated that snow blowing is going to be very difficult. She stated that after examining the plans, it does not seem like a plow can fit in the driveway without hitting other cars.

She then stated that she believes that the building is simply too big for the lot. She stated that if the building were shorter the situation with the grading and the parking can be remedied.

Mr. Rivera then asked if it would be possible to compromise and construct a single family.

Ms. Salazar then stated that would fix some of the issues. She stated that all she wants is a smaller house.

Mr. McCarthy then stated that the project calls for a lot of asphalt. He stated that there is not 35% greenspace that is needed. He then stated that a single-family home would leave more space for open space and green space.

Mr. Fernandez then stated Ms. Salazar's concerns are warranted. He then stated that he sees the issue with the parking as well. He added that if reworks need to be done, he would like the home to be smaller or be pushed out more towards Jamaica Street. He then stated that the retaining wall should be something that needs to be addressed.

Mr. Devers stated that the group is requesting several variances and moving the building on the lot may be a possibility.

Mr. Rivera then stated that he has a concern regarding the greenspace. Mr. Devers stated that he needs to speak with the developers. He then stated that the project is in an R-3. He stated that the building will be less than 35 feet high. He stated that the building can be higher, but the footprint of the building can be reduced. He added that the building may be either a duplex or townhouse style.

Mr. Slaven then spoke. He stated that he just finished eight units on Prospect Street. He then stated that he has worked with the city for many years. He stated that the neighbors do not need to worry about what he develops within the city.

Mr. Mazola then asked what would be voted on.

Mr. Mazola then asked Mr. Devers if he would like to vote tonight.

Mr. Devers then stated that he would like to request a continuance.

Ms. Soto then asked if the board can vote with the condition for more greenspace. Or if the group would need to develop new plans.

Mr. Mazola then stated that he wanted clarity on what he would be voted on. Ms. Soto then stated that there were approvals with conditions in the past; she wanted to know if that would be done in this situation.

Mr. Rivera then stated that he would need proof on how they were going to fulfill the landscape requirements.

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

***76 Coolidge Street
Celina Reyes***

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

He stated that the group is before the board because a deck was built that it is near a property line. He stated that the deck is beautiful. He also stated that the owner is requesting a variance. He added that the owner did not know what to do to make the deck legal. He stated that the variance that is being requested is to legalize what already exists.

Mr. Mazola then asked if the deck was built in violation and a neighbor had a problem with it. Mr. Devers stated that he was notified when the job was done. He stated that he merely drew up the plans.

Mr. Rivera then asked if ISD had any input. Mr. Armano then stated that a resident called and complained and this happened as a result. He stated that the applicant was given the option to go before the members of the board and seek permission to build the deck as they intended. He added that there the applicant had no bad intentions.

Mr. Devers stated that he is before the members of the board to ask for forgiveness on her behalf.

Mr. McCarthy stated that DPW has seen the plans. He stated that he is unsure what the structure is. He stated that the project is an architectural extension. He stated it would not obstruct any views.

Jerson Depena was present from the public to address the board. He was in the meeting to get answers. Mr. McCarthy stated that they were not allowed to build the deck that close to the lot line. He then stated that if the applicant is not issued a variance then they might have to tear the deck down. He stated that there is not a hardship as to why the deck would need to be torn down.

Mr. Reyes was present. He stated that he would like the variance, he added that at the time he filed for what he thought to be a valid permit, and he added that he believes that the proposal will not be detrimental to the neighborhood.

With no further discussion,

The board voted and the results are as follows:

Beatrice Taveras- Yes with the condition

Frank Campos- Yes with the condition

Will Mazola- Yes with the condition

Roberto Fernandez- Yes with the condition

Richard Rivera, Chair- Yes with the condition

The applicant's petition was unanimously approved.

77 Kingston Street

Hide Salcedo

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

Mr. Salcedo was present to request a variance on the property that was built in 2018. He stated that it is a single-family home with three floors. He added that the area which is currently an empty space in the garage will be converted into a two-bedroom apartment.

He stated that he is looking to add two parking spaces, eliminate the garage door and add three windows. He stated that many families were displaced and this unit would help house a family. He then stated that this unit would bring more taxes into the city that will go towards fixing roads and other things.

He then stated that he thinks that it would be a great opportunity to create additional living space in an area that is right around the corner from a playground. Mr. Salcedo then stated that the home is in an R-3 zone and he is only asking the home to be approved as a two-family home. He then stated that the home is 300 feet shy of the requirement.

Mr. McCarthy then stated that the home was recently built as a single-family. He stated that there is a decision on the matter and that many of the arguments that he made now were made in the past. He stated that it was subdivided from an existing home and that the neighbors requested it be built as a single-family home. He stated that it raises the question that if the applicant wanted a two-family home, why they purchased a single-family home rather than a two-family home. He then stated that there may not be a hardship.

Lunara Devers then spoke. She stated that she was unaware of the previous decision that was made. She wanted a copy of the previous decision. She apologized for the confusion.

Mr. McCarthy then stated that he had to find it using the name of the deceased party.

Mr. Devers then stated that he did not know there was a decision in regards to the property. He stated that it is almost 5,000 square feet in an R-3 zone. He stated that it is the right size. He stated that the greenspace is also doable.

Mr. Salcedo stated that there will not be any exterior construction being done. He stated that the interior of the work will be on the interior. He stated that there are eight foot ceilings, windows, and multiple entrances and exits. He stated that it would be a benefit to the city.

Mr. Rivera then asked what the hardship is. Mr. Salcedo stated that the pandemic is the pandemic and the cost of renting. He stated that if he were to be laid off during 2020 he would like some supplemental income to pay his mortgage. He stated that he wants to live alone, but he wants to create a space that will help the city.

Karen Jones of 80 Kingston Street then spoke. She stated that she is in support of increased revenue. She stated that an increase in cars will be inconvenient. She stated that it is just as likely that people will park on the street as opposed to in the dedicated parking lot. Mr. Salcedo then stated that parking can be made permit only. Mr. Rivera then stated that they cannot allow that.

Mr. Fernandez then asked Ms. Jones if they have parking in their property. She stated that she has a driveway for two cars.

Mr. Devers then asked Mr. Salcedo to consider withdrawing the case without prejudice.

Ms. Debrah Zangrai of 83 Kingston Street then spoke. She stated that she does not want a two family. She stated that the homes in the area are all single family homes. She stated that the applicant does not even live in the home currently. She stated that he would not be able to supervise. She stated that the tenants of the current home block her driveway.

Mr. Salcedo indicated to the board that he'd like to withdraw.

Upon a motion made by Mr. Fernandez and seconded by Mr. Campos the members of the board unanimously decided to withdraw the case without prejudice.

***115-117 Allston Street
Pelczar Realty Trust***

Present to address the members of the board was Frank Giles.

He stated that the applicant has lived at the property for many years with her family.

He stated that the project would be a straight subdivision with two buildings on one property. He then stated that the utilities would be separate. He added that no changes will be done to the building. He stated that the subdivision is being done for financial reasons and to offer the applicant and her family some privacy. He stated that the homes are well maintained.

He then stated that the parking will remain the same and will be continuous. Mr. Giles then adding that nothing will be done to the homes. He stated that one home is a single-family and the other is a two-family. Mr. Giles then stated that the process is very simple and the homes will remain in the family.

Mr. McCarthy then stated that the proposal is very straightforward. He stated that the board deals with proposals of this nature very often. He then stated that if the homes predate 1959 then they

can be subdivided by right in accordance with the Massachusetts Chapter 40a subdivision law. He then stated that if subdivided, it would create a number of non-conformities as it pertains to setbacks, total lot are, and things of that nature.

He then stated that he appreciates that the applicant is going before the board to request the various variances and relief that they needed before the property is subdivided, that way the properties are conforming in the eyes of banks. He added that typically various conditions are imposed on projects of this nature with input from DPW. He then stated that conditions such as having the various utilities separate have been imposed. He also added that another condition would be that the applicant must create an easement if utilities cross lot lines.

Mr. McCarthy then stated that it is very clear that utilities would not be shared. He then stated that an easement should be made and that the applicant complies with DPW regulations and that the proper easements be created.

Mr. Rivera then asked if the entrance for parking would be on Pleasant Terrace. Mr. Giles then stated that the parking would remain as it is now. He stated that the parking works well for the applicant.

Mr. Rivera then stated that the home is being subdivided for future use. He then asked if an easement would be created. Mr. Giles then stated that the parking for the single family will remain on its own lot. He then stated that the parking for the two family will also remain on its own lot. He stated that nothing will be shared and that there is excess room.

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

- 1.) Applicant must create an easement if utilities cross lot lines.

With no further discussion

The board voted and the results are as follows:

Beatrice Taveras- Yes with the condition

Frank Campos- Yes with the condition

Will Mazola- Yes with the condition

Roberto Fernandez- Yes with the condition

Richard Rivera, Chair- Yes with the condition

The applicant's petition was unanimously approved.

**20 Border Street
Michael Tarshi**

Present to address the members of the board were Frank Giles and Michael Tarshi.

Mr. Giles stated that the property is very large and is located in South Lawrence. He stated that five units are allowed by right, but will be asking for six units. He then stated that they would be townhouses with parking in the rear. He stated that the lot is in an R-3 district and that the lot is 12,750 square feet. He added that there is an existing home on the lot that is in disrepair. He added that the applicant can build a duplex, but that the applicant would rather construct a property that is amenable to the city.

Mr. Giles stated that each unit would be 1,500 square feet. He added that the third floors would have small dormers in the rear to accommodate a bedroom. He then stated again that there is enough parking in the rear.

He then passed the floor over to the applicant, Michael Tarshi for questions.

Mr. Rivera then stated that there are no stamped architectural plans in his packet. Mr. Giles then stated that architectural plans were submitted several weeks ago. He then presented them to the members of the board.

Mr. Giles stated that the bedrooms are a decent size. He stated that the applicant will propose six units to help the neighborhood instead of a different set up that the neighborhood will not like.

Mr. Rivera asked if the entrance/exit in the rear would be one entrance. M .Giles stated that it would be, but that he and Mr. Tarshi would like to slide the building over and provide a drive through lot, which may be a better idea. He stated that no turnaround would be needed and it would allow for LFD access. He stated that the revision of the driveway entrance can be made into a condition. He added that he and his client only wanted one curb cut, but would be willing to add another.

Mr. McCarthy then stated that the project was reviewed by various city officials and many concerns were brought up. He stated that one concern was the nature of Border Street. He then stated that based on the dimensions, the applicant can construct five homes. He then stated that the original idea was to put two family homes on the lot, which would add six curb cuts, which the city would oppose. He stated that the Office of Planning and Development (OPD) wanted the applicant to use a design that would have the least amount of impact on the neighborhood, especially the street because it is so narrow.

He stated that the street is a one-way street and that the city is concerned about safety-access and things of that nature. He stated that the idea of having six units would offset the financial costs. He then added that the LFD wants access to the front and back of the home. He then stated that the front yards should be fenced similar to the other homes in the area and should be landscaped. He then stated that the project would need to go before the LPB for a Special Permit as well. He added that there is a question regarding the Variance for density.

He stated that the neighbors have many concerns, which are warranted. He stated that there would be an impact, but that it needs to be mitigated. He stated he would like to speak to the neighbors. He stated that a determination might not be reached tonight, and that many things need to be reviewed.

Present to address the members of the board was Troy Sweder.

Mr. Sweder stated that his family has lived at 20 Border Street for 70 years and that they had been Lawrencians for almost 85 years. He added that he understands the concerns of his neighbors. He then stated that he understands the need in the neighborhood for housing, but that he does not want to turn the property into something that is going to be a problem in the area. He then stated that the property is large and that it can add a lot of value to the neighborhood. He then stated that the proposed plan will include some affordable housing in the area. He added that off-street parking will also be included and the LFD will have increased access to the property.

Tomas Orta of 12 Border Street then spoke. He stated that Border Street is very narrow and that parking is currently an issue. He stated that the street is congested with cars and that this causes safety hazards. He stated that first responders would have a hard time accessing the street. He stated that the street is U-shaped and that Border Street appears to be a driveway. He stated that he has seen firetrucks and ambulances struggle to take the turn. He stated that the project is a public safety issue.

Mr. Tarshi then spoke. He stated that he would like to touch base with everyone and he understood the concerns of neighbors. He stated that he has been doing business in Lawrence for years.

He stated that he is available to speak with the members of the neighborhood at any time. He also stated that he would be involved with the project every day, not just once a month. He also added that the snow can be pushed into the rear of the building where the train tracks are. He added that the tracks are dormant. He also stated that there is a need of homes for young families who want to keep their in-laws with them. He added that he would be amenable to changes. He stated that he has built 77 Kingston Street. He mentioned he would be willing to set up a time where everyone can meet on-site.

Also present to address the members of the board was Chidozie Nwokeji of 30 Border Street. He stated that the railroad tracks are very high; therefore you cannot put snow there. He stated that snow storage is a problem. He also stated that parking is very difficult. He stated that six units would disrupt the neighborhood severely.

Eric and Robin Lindahl of 20 Border Street then spoke. They stated that the image that was being displayed on the screen conveniently showed a street with no cars on it. They added that it is a small one way street and the parking demand has gotten worse. They stated that two spots would be needed per unit. They added that they have witnessed emergency responders walk into the street because their vehicles cannot fit. They stated that Andover Street to South Broadway have turned into a parking lot during business hours. He then stated that Broadway is inaccessible during business hours. He then stated that the snow is also an issue. He added that there is nowhere for snow storage.

Mr. Lindahl then stated that he does not know how his neighbors with on-street parking would park. He stated that the development would increase the stress on city utilities such as water and sewer.

Mr. Rivera then stated that there would be 12 spots in the back. Ms. Lindahl then asked if the snow would be kept on the lot or moved out into the street. Mr. Tarshi stated that the snow can be moved into the green space in the back. Mr. Tarshi stated that he is willing to create a solid strategy to make it work. Mr.

Sweder then stated that most residents have private parking. He then stated that most of the residents who live there choose to park on the street.

Mr. Giles then stated that often time there are frustrations, he added that the city has problems. He then stated that snow removal will not be altered by the project. He then referred to an image displayed on Google Maps and stated that there is a box truck present and even with the truck, the street is still accessible. He then used the image to show the off-street parking for the residents in the neighborhood.

Mr. Rivera then stated that he can see what Mr. Giles is trying to explain to the board members. Mr. Lindahl then stated the image that is being showed is not true. He stated that the parking lot in question has a fence about it.

Councilor Abdoo then stated that he is relaying his constituents concerns. He stated that he is speaking against the petition. He stated that as a counselor he has taken many concerns. He added that Border Street is a very difficult street. He stated that every winter the snow causes a major problem. He stated that he has heard from the LFD as well.

He then stated that Mr. Giles paints a pleasant picture. He then stated that Border Street is extremely narrow, roughly 112-14 feet wide. He added that the limitations are apparent. He then stated that the image displayed does not show the true nature of the street. He then stated that he would like further input from the LFD and City Engineers.

He then stated he would advise against centering the home and creating two curb cuts because it would take away two on-street parking spaces.

Mr. Abdoo then stated that he admires that he is willing to meet with the neighbors and address some issues. He then stated that Mr. Sweder's presence is appreciated as well. He then stated that engaging the neighbors would be needed for both parties. He then stated that Mr. Tarshi has done great things in the community, but this may not be one of those things.

He then stated that there is no hardship associated with the proposal and to exceed what is required by right is not morally right. Mr. Abdoo then stated that it is a nice street which was built over 100 years ago when there were no vehicles. He then stated that there is not much greenspace. He wanted to stress the need for greenspace. He then stated that the train tracks where Mr. Tarshi plans on putting the snow are set to receive renovations which will cost upwards for \$300,000. He stated that having a front yard is important as well.

He added that an increase in housing creates increased stress on city services such as the public schools system and an increase in public safety needs. He stated that housing in the city has to rise proportionally with the city services.

Martha Bolis of 13 Border Street then spoke. She stated that her family has lived at 13 Border Street for over 60 years and during her time living there the street has become more and more dense. She then stated that she wanted to echo the sentiments of everyone that spoke against the project as well. She stated that the parking of the cars is a huge safety issue. She added that the area is already dense and that constructing all of these new units would further exacerbate the problem.

Dianne Houde of 32 Border Street then spoke. She stated that she has three spots off the street and her parking lot has been blocked many times. She stated that there are too many cars and the problem relies on everyone, not just people with no off-street parking. She stated that the image shown is old. She stated that sometimes to gain access to the street the residents need to call the police.

Neily Soto then spoke. She stated that she has previously worked with Mr. Tarshi previously and she can attest that he does very high quality work. She also stated that he works in conjunction with the neighbors whenever he is developing properties. She stated that she understands Mr. Abdoo's concerns and also understands the concerns of the neighbors. She then stated that during this meeting of the ZBA she is witnessing resistance to growth. She stated that projects of this nature would bring an increase in tax revenue which would further help the city fund schools and other city services and resources.

She then stated that the ZBA has a very tough job when it comes to proposals of this nature. She then stated that it is the board responsibility to listen to the community, but that housing which is high quality and also affordable is also drastically needed. Ms. Soto then stated that she would like to show the Hispanic Home Ownership Report which shows how staggering the numbers are.

She stated that the city would grow in due time. She stated that if the neighbors are willing to work with Mr. Tarshi then he will deliver.

Mr. Sweder then stated that he understands the concerns of his neighbors. He stated that he has no vested interests in the matter. He stated that the property has been in his family for 70 years. He then stated that

he understands the concerns of the LFD as well. He then stated that trash trucks can pick up trash and that an ambulance and emergency vehicles can go down the street. He added that there is no parking on the left side of the street. He added that he does not want the neighbors to be affected, but that he wants to address the needs of the city. He added that saying that it is not appropriate to have more housing on the street while there are multiple three family homes on the beginning of the street is counterintuitive. He stated that the plan that Mr. Tarshi has developed is acceptable.

Mr. McCarthy then stated that a conversation regarding the site took place. He suggested continuing the matter until the next scheduled meeting. He stated that he would invite all of the relevant departments to get their input as well. He stated that the process is difficult and seeing change is hard. He stated that he has seen developers build what they are allowed to by right, but build it in ways that are not accommodating to the neighborhood. He stated that Mr. Tarshi is not like that. He added that he wants to be as transparent as possible.

Mr. Giles then stated that he would like to request a continuance.

Mr. Rivera then stated that Mr. Tarshi does good work and cited an example of previous development on Andover Street.

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

BOARD BUSINESS

Upon a motion made by Ms. Taveras and seconded by Mr. Mazola, the board unanimously decided to accept the meeting minutes from the previous month.

Roberto Fernandez was assigned Allston Street, Coolidge Street and Hamilton Street.

Richard Rivera was assigned Walnut Street.

Beatrice Taveras was assigned Ferry Street.

26 Summit Ave was assigned to Will Mazola.

The members of the board were informed about the possibility of getting two new members.

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