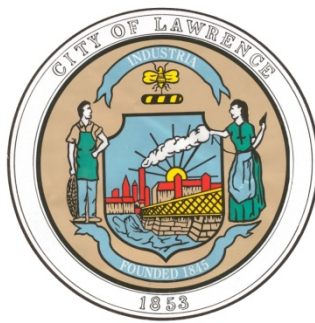


ZONING BOARD OF APPEALS



LAWRENCE MASSACHUSETTS

Vice Chairman

Richard Rivera

Voting Members

Frank Campos

Beatrice Taveras

Will Mazola

Associate Voting Member

Roberto Fernandez

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Richard P. Consoli

Administrative Assistant

Jorge O. Martinez

Land Use Planner

Daniel A. McCarthy

ZONING BOARD OF APPEALS

1/28/2020

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.

Roll Call:

Richard Rivera, Vice Chair-Present

Beatrice Taveras-Present

Will Mazola-Present

Roberto Fernandez-Present

Absent:

Frank Campos

Also Present:

Daniel McCarthy, Land Use Planner- Present

Michael Armano, Acting Inspectional Services Director-Present

David Palumbo, Acting Building Commissioner-Present

Captain Patrick Delaney, Fire Prevention

Pedro Soto, Planning Director

Arrived Late:

Jorge Martinez, Minute Taker

CONTINUED CASES

Mr. Rivera opened the meeting by listing off the names of the board members for all that were in attendance.

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

1 Market Street

The Lawrence Firefighters Association Inc c/o James Driscoll Jr

Mr. McCarthy indicated that the Office of Planning and Development had received a letter from the applicant indicating that they would like to continue the matter until the next meeting. He then asked if there was anyone present in the meeting that happened to have any questions or concerns.

Nancy Ippolito then indicated that she had many questions or concerns that she would like to ask the applicant. Mr. McCarthy answered and stated that the applicant will not ask any questions at this time and that the board will only be voting on a continuance.

Mr. Fernandez then stated that he would advise those who would like to speak on the matter to attend all future meetings and provide their input at this time.

Upon a motion made by Mr. Fernandez and seconded by Ms. Taveras, the board unanimously decided to continue the matter until the next meeting on February 25th.

452 South Union Street

Merelyn Banegas

Mr. McCarthy stated that an attempt to reach the applicant had been made and the applicant had not responded. He then stated that the applicant has since partnered with Marcos Devers to draw up these plans and get the project moving forward. He then stated that his suggestion would be to continue the matter and send the applicant a last letter which would state that the petition would be withdrawn if they fail to show.

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

45-47 Irene Street
Juan Carlos Morel

Mr. McCarthy stated that this is another case that Mr. Devers has been involved in. He then stated that he believes that the matter has been settled and that the case will be withdrawn.

Mr. McCarthy stated that he had spoken to Mr. McCarthy before the meeting and the case was already settled with the Building Department. He then stated that construction had already begun.

Upon a motion made by Mr. Mazola and seconded by Ms. Taveras, the board unanimously decided to withdraw the case without prejudice.

172-174 Everett Street
Angela Lavayen

Mr. McCarthy then stated that this is another matter where an attempt had been made to reach out to the applicant in order to help the project progress. He then stated that the applicant had reached out to Mr. Martinez to inform him that the applicant was partnering with Mr. Devers to create a set of plans. He then stated that Mr. Martinez had not had any correspondence from the applicant. He then stated that he would encourage the members of the board to continue the matter.

Upon a motion made by Mr. Fernandez and seconded by Ms. Taveras, the members of the board voted unanimously to continue the matter.

5-7 East Pleasant Street
Wiston Almanzar

Present to address the members of the board was Wiston Almanzar of 71 Elm Street. He then stated that his proposal was to build a small two-family home. He then stated that he has been purchasing homes all throughout Lawrence and fixing them and selling them.

Mr. McCarthy then stated that the applicant is seeking to build a two-family home in an R-2 neighborhood. He then stated that the project would need a variance for lot area. He added that the lot is currently 6,400 square feet when they need 7,000 square feet. Therefore, the applicant is only seeking a variance of 600 square feet. He then stated that the city does not hold a position on the matter.

Mr. Giles echoed some of the sentiments made by Mr. McCarthy and added that the proposal would fit right in with the neighborhood. He added that it will be a vertical two-family home and as a result of this, it abides by the setbacks well. He then stated that the project is eight feet short of the required 20-foot setback. He added that the property is subdivided and stands on its own. He then stated that this lot was once owned in common with the abutting building and the vacant lot was a part of the lot on the corner of the street. He stated that these lots were deeded out and the lot was undersized. He stated that this is essentially a way of cleaning up a legal mess and that the proposal is a simple two-family home that will be a good fit for the neighborhood. Mr. Giles then displayed plans to the board members.

The plans that Mr. Giles was presenting were architectural plans created by Mr. Devers. He added that the lot in question is a large lot which is approximately 6,400 square feet. He then stated that the lot sits on its own and once belonged to the single-family home it abuts. He then stated that approximately 75% of the lot is greenspace. He then stated that the number of floors will be a story lower than what is allowed by-right. He then stated that the attic was inhabitable and will have a pull-down ladder in the roof. He then stated that he will ensure that the contractors do not construct the foundation more than 2-3 feet underground which will ensure that the basement cannot be used as living space. He stated that two of the most severe concerns will be alleviated as a result of this change.

Mr. McCarthy then stated that one condition he would impose is that the first floor of the building be no more than three feet above grade. He then stated that another condition that he would impose is that the peak of the roof be no more than eight feet in order to prevent it from becoming habitable. He then stated that another condition will also be that the applicant submits a landscaping plan. Mr. Giles stated that he would be amendable to this.

The following conditions were presented to the applicant:

- 1. First floor must be no more than three feet above grade.*
- 2. Peak of roof be no more than eight feet to ensure that the attic is not livable.*
- 3. Applicant must submit a landscape plan to the Land Use Planner for review.*

Darwin Rivera of 20 Midland Street then spoke in favor of the proposal. He then stated that he would like the applicant to build here because he has seen firsthand the work that the applicant has performed on Midland Street. He stated that the building that is on it now is a great change from the vacant lot that was there before.

With no further discussion,

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

Richard Rivera, Vice Chair- Yes with the three conditions

Beatrice Taveras- Yes with the three conditions

Roberto Fernandez- Yes with the three conditions

Will Mazola- Yes with the three conditions

170 Common Street

Gamal Salama

Present to address the members of the members of the board were Gamal Salama, Marcos Devers and Lunara Devers.

Mr. Devers stated that the matter had been before the ZBA in a previous meeting and a presentation had been prepared indicating the proposal for 36 apartments in a building that has been underutilized for many years. He stated that these units will help revitalize the Downtown area and provide residents with four three-bedroom apartments, 22 two-bedroom apartments and ten-bedroom apartments. He then stated that he and his client are attempting to enlarge the building by adding an additional two floors. He then referred to a soundness report that he submitted to the members of the board and other city officials which indicated that he is building is feasible and suitable to be built upon. He then stated that the group has had an opportunity to discuss this with Mr. McCarthy. He then stated that he would be willing to answer any questions that anyone may have. He also stated that the parking issue had been addressed and the group is making every attempt that they can to increase the number of total spots therefore a variance can be requested for the lowest number of spots as possible. He then stated that the group will have more documentation soon.

Mr. Rivera then asked where the proposed spots are going to be. Mr. McCarthy then stated that there are two commitment letters on file. One of which was presented last meeting. He stated that some of the spots would be provided in a lot that will come as a result of the Capital Improvement Project which the city is currently undertaking. He stated that he spoke with the Department of Public Works and was told that there are 17 spaces available. He then stated that the project has secured 20 parking spots from a private parking lot owned by Roger Farrah. He stated that these parking lots will have a total of 37 spaces for 36 units which are lower than the 52-spot requirement.

Mr. Rivera then stated that he is slightly concerned because the parking lots that are being proposed are quite a way away from the proposed building.

Mr. Fernandez then asked what constitutes a commitment letter. He asked if it was more like an agreement or a contract. He wanted to know the extent of the agreement. He was specifically concerned of the owner of the parking lot using the dedicated parking spot for other means. He stated that this needs to be addressed and stated that developers throughout the city need to sacrifice space within their buildings for parking. He then stated that if this were not done then the city would just experience more and more problems. Mr. McCarthy stated that the arrangement for parking is not a contract, but more of an offer.

Mr. Rivera then stated that he would like to give an example of something that the board had approved Appleton Way. He stated that the owner there was using a parking lot right across the street that got sold in the future. He then stated that as a result of this, the parking that they proposed for their residents is essentially obsolete.

Ms. Taveras then asked how many spots the applicant has a commitment for and how many commitment letters we currently have.

Mr. Fernandez then stated that the developer should be able to address the parking situation within the confines of the property. He stated that this would be a good route to go, even if it does not address all the needs. He stated that as a result of these factors, this proposal is a hard one to accept. He stated that he

would not be able to support the proposal because it does not address the problems that would be created with the parking.

Mr. Salama stated that he has documents to show that his other downtown developments do not use the total amount of parking spots that are required. He then stated that most of his residents use public transportation. He then stated that according to what he is seeing throughout the city, 37 total spots would be more than enough.

Attorney William DiAdamo was present on behalf of the direct abutters located at 26 Jackson Street. He stated that he was present to speak against the petition. He stated that he counted the number of apartments a little differently. He stated that according to his calculations he came up with a total of 65 parking spaces for this certain number of units. He stated that this number does not even include the restaurant and office space proposals. He then stated that the zoning bylaws are abundantly clear as to how many parking spaces are needed in these circumstances. He then stated that if Mr. McCarthy's calculations were correct, the project would need 52 spaces. He then stated that if these residential units are supplemented with other uses such as office and restaurant space, this would need some sort of long-term agreement parking validation program.

He then stated that he did not have the opportunity to see the commitments and this is the first time he was hearing about them. He then stated that this is seriously inadequate under the zoning bylaws and ordinances. He then stated that the commitment letters are not agreements and the project would need an agreement which is much more concrete and permanent and not evaporate over time. He then stated that whether they exist, they are not worth anything with respect to the zoning bylaws.

He then stated that the hardship for the variance must be examined under the strictest of terms. He stated that the hardship cannot be financial; he added that this clearly will not apply. He then stated that the hardship needs to be specific to circumstances owing to soil conditions, topography and shape and none of those apply here. He then stated that variances are primarily granted and designed for circumstances where you have a wetland or a pork chop shaped lot or something where you could have useful land, but because of circumstances beyond control these regulations can be bent a little bit. He then stated that he sympathizes with the applicant, but there are not any hardships that warrant granting the variance. He then stated that this is the opposite stating that the developer is trying to add two new floors. He then stated that if the two additional floors were not being added, then everything will work itself out. He added that the parking will work itself out under those circumstances. He then stated that the developer is a businessman who would like to make as much money as possible and that this is not a reason the variance should be granted. He stated that this will not comply with the zoning bylaws. He then stated that due to these circumstances being non-existent, the variance cannot be granted. He then respectfully requested that the petition be denied.

Mr. Mazola then asked what the hardship would be in this situation. He stated that he may have missed it when the initial presentation was given. Mr. DiAdamo then stated that according to the application that was submitted during stated strictly economic reasons and the risk of renovation of this underused asset.

Mr. Rivera then asked Mr. Salama directly what the hardship associated with the proposal is. Mr. Salama then stated that he does not understand what the term hardship means. Mr. Mazola then stated that there should be a hardship with either the property or the land in order to obtain the variance. He then asked Mr. Salama to state what the hardship would be, specifically in reference to the zoning laws.

Mr. Rivera then asked if it was necessary to build two more floors. He then stated that if the additional two floors were not built then it would not be financially feasible to continue with the rest of the development. He then stated that it would be a high-risk investment if only two-floors were completed.

Mr. DiAdamo then stated that what Mr. Salama had described is not a hardship. He then stated that the hardship must relate to the land and not someone's personal condition. He then stated that the addition of two extra floors is directly affecting his clients as it blocks of a window egress that leads to their property.

Mr. Devers then stated that he would like to address some of these topics. He then stated that the building is structurally sound and adding another floor would be feasible. He then stated that Lawrence is in a safe location and wind and other environmental issues will not directly affect the building. He then stated that the property has been analyzed by two separate engineers and a letter from a third-party engineer was submitted. He then stated that none of the adjoining properties will be affected by the addition. He then stated that an addition on Essex Street was done in Downtown Lawrence of two more floors. He then stated that the two projects will be similar and that this will be considered and that the project will meet all the code and engineering standards. He then stated that Mr. Salama is right in trying to make the project as financially feasible as possible. He then stated that Mr. Salama has developed other properties within the city and will continue to develop more. He then stated that Lawrence will be built in and we can find a way to live together peacefully and any concerns will be addressed.

Mr. Rivera then stated that there is no hardship with this proposal. He then stated that nothing regarding how the development will be done. He also stated that he understands that everything is doable, but the development will be congesting an area that is already overcrowded while there is no hardship. He then stated that the only hardship that was mentioned was that the building needs to be developed in such a way that it can maximize profits.

He then stated that Mr. Salama has done a great job developing throughout the city at many of his other locations. He then stated that Mr. Salama has been before the board many times and in these other proposals parking was extremely easy to come by, but this is not the case in this situation. He then stated that the applicant cannot come up with a hardship in this situation.

Mr. Devers then stated that it seems like this proposal may not pass. He then stated that he would like to continue the matter in order to address the concerns.

Mr. Rivera then asked what the basis of the continuance would be. Mr. Devers stated that it would be to come up with some solutions. Angel Borja then stated that the city is congested as it is, and people will continue to flood into the city. He added that without these units, people will end up living with family members creating dense households. He then stated that there is a lot of parking near Tripoli's and from a location near Lawrence Street. He then stated that the two additional floors will address the demand for more housing within the city. He then stated that the walk to the complex may not be a problem and that this problem will continue to be a problem unless it is fixed by the city. He then stated that these legal units would help eliminate some of the illegal units throughout the city.

Mr. Salama then stated that he would like to continue.

Mr. Rivera then asked what would change from this meeting to the next. Mr. Devers then stated that research will be done, and all the questions raised here will be addressed. Mr. Devers then stated that he needs extra time to evaluate the proposal.

Upon a motion made by Ms. Taveras and seconded by Mr. Mazola, the board unanimously decided to continue the matter until the next meeting. The members then took a roll call vote.

Will Mazola- Yes to continue

Roberto Fernandez- Yes to continue

Beatrice Taveras- Yes to continue

Richard Rivera, Chair- Yes to continue.

564 Hampshire Street

Estrella Vault, LLC

Present to address the members of the board were Frank Giles and Jose Estrella and Wendy Estrella.

Mr. Giles stated that the Estrella's have a reputation of taking old, abandoned buildings and rehabilitating them within their means. He then stated that the Estrella's do not overburden the area with their redesign process. He then stated that the location of the proposed work is the old Arlington Club. He then stated that the building takes up the entire lot.

Mr. Giles then stated that there is a lot across the street that is unconventional but is owned by the Estrella's. He then stated that it is now a part of the property at 564 Hampshire Street. He then stated that this lot will be dedicated for parking. He then stated that only four apartments are being proposed. He then stated that the project was an old social club that had a bar. He then presented floor plans to the members of the board. He then stated that essentially the project will consist of renovating and building some interior partition walls. He then stated that the rooms will be decently sized.

Mr. Rivera then asked if the parking lot will be used and how many spots will be proposed. Mr. Giles stated that six spots would be the most optimistic. He then stated that they would have to be tandem spots. He then stated that it would be a very tight fit, but it will be possible to get six spots on the lot. He then stated that some of the spots will allow for another car to be placed behind it. He stated that the most spots that can be added would be 10 spots. He then stated that some greenspace will also be placed in the parking lot and some bushes will be added as well. He then stated that a dumpster will also be there as well.

Ms. Estrella then stated that if there are any questions, they would be best answered by Mr. Giles. She then stated that he has been doing a tremendous job showing what the plan for the building would be. She then stated that the building is green on the exterior and it is unattractive. She then stated that the building was forced to close. She then stated that it is the only club in the area since Hampshire Street is mainly residential. She then stated that some nice units can be made for future tenants. She then stated that some of the units will have two bathrooms and they will be sized appropriately. She then stated that the exterior

of the building will be updated as well and will add some curb appeal to the neighborhood as well as provide the tenants with off-street parking.

Mr. McCarthy then stated that he was a member of the previous social club and that the neighborhood is mainly residential. He then pointed out the various landmarks in the area and stated that the area may have once been commercial, but many of the landmarks have disappeared and the area is now residential. He then stated that the development will be consistent with the rest of the area.

He then stated that the building itself is a hardship because the building cannot be torn down due to zoning reasons. He then stated that the building takes up most of the land and if accepted, the building will be completely sprinkled. He then stated that the building was previously dedicated as a large event hall on the second hall and game rooms and a bar and kitchen on the first floor. He then stated that the new design will adequately build out the building. He then stated that he believes that four units are just the right number and that the project would need to go before the Planning Board for a special permit for multi-family housing. He then stated that one condition that would be imposed is one that states that the parking area would run with the property. He then stated that this will be done to ensure that the parking is not sold and redeveloped in the future, eliminating the parking for the tenants. He then stated that other than this condition, he believes that the project is a benefit for the area and the city.

With no further discussion,

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

Will Mazola- Yes with the one condition

Roberto Fernandez- Yes with the one condition

Beatrice Taveras- Yes with the one condition

Richard Rivera, Chair- Yes with the one condition

The applicant's petition was unanimously passed with a vote of 4-0.

10 Norris Street

Delvis Jaime

Mr. Devers stated that he will need some assistance from Mr. Giles since this project is a subdivision. He then stated that the lot is a good-sized lot in an R-2 district right on the line of Methuen and Lawrence. He then added that the subdivision is proposed to split the land in two. He then stated that there will be ample space and enough parking. He then stated that a single-family home will be proposed. He then stated that the group has a preliminary plan and once the proposal is accepted, the plans can be created considering all the conditions that are imposed. He then stated that the rectangular lot is subdivided, and the lot line will essentially go right around the existing home. He then stated that two parking spaces will also be provided for the new home. He then stated that the property line for the proposed home will be close to the existing home and that the existing house has ample space. He then stated that it will be considered not to go too high above grade.

Mr. McCarthy then stated that while the lot is large, it is the similar size to two other buildable lots in the neighborhood. He then stated that the prior owner of the property built a house right in the middle of the existing lot. He then stated that the subdivision will be done by cookie cutting the parcel where one portion of the proposed lot cuts into the other lot. He then stated that he does not see any hardship associated with the proposal. He then stated that he does not see what the need is to divide the lot up. He then stated that there are some similar properties on the same street. He then stated that in these situations, the homes were situated to either side of the lot and the other homes were able to keep their yards and the properties were essentially able to be split right down the middle. He then stated that the streetscape will also look odd as a result of the new home. He stated that these types of cases had been popping up more and more throughout the city where more and more residents are attempting to essentially build homes in their front yards. He then stated that the city is not in support of this. He then stated that this design is essentially inevitable due to the placement of the existing home on the lot.

Mr. Rivera then stated that the plans are great, and the proposed house looks great as well, but that the setup is a little awkward because it is showing a lot of space between the two homes when the distance in-between the two homes look to be a lot less. He then asked how much the distance between the two homes would be. Mr. McCarthy stated that the distance between the two homes would be 13 feet.

Mr. Fernandez then asked how wide the walkway would be. Mr. Fernandez and Mr. Rivera concluded that the walkway would be about 10 feet.

Mr. Rivera then asked if this home would be side-by-side with the existing house or further up. Mr. Devers stated that it is 13 feet away from the existing home which makes it farther away from a fire safety standpoint.

Mr. Rivera then asked if Captain Delaney if there were any concerns from the fire department. Mr. Delaney asked Mr. McCarthy if there were any side setbacks for the project.

Mr. McCarthy stated that the applicant needs 12, but the proposal only calls for 10. He then stated that the new house is not a setback issue. He then stated that the biggest problem is the existing proposal is only three feet from the lot line. He then stated that it is being stated that the proposal is going to be for family, but in a realistic sense it will probably be sold to a separate party that may develop a strained relationship with the abutting property. Mr. Devers then stated that the 13 feet between the properties is to give each property ample space. He then stated that there will still be more feet from the end of that setback to the home. He then stated that it would help increase the fire resistance and several openings in the walls would be closed and be made in compliance with the code. The then stated that the two homes will be further away from each other than many other homes in the city. He then reiterated that a variance will be needed for the subdivision to work and that one setback is not in compliance. He then stated that they are not parallel and referred to the plans to show this.

Captain Delaney then asked Mr. McCarthy if the project would have the required setbacks. He then asked if the applicant met any of the other setback requirements besides the ones in the back corner. Mr. Devers stated that this is correct.

Captain Delaney stated that because the setbacks are not in compliance, the Fire Department would request that the building be sprinkled. Mr. Devers stated that he would have no objections to this. Mr. Rivera then stated that this will be made into a condition.

Mr. Rivera then asked what the pitch of the building would be. He then asked if it would be possible in any way to drop the pitch of the rear of the building down to five feet to make the rear of the lot the same as the front. Mr. Devers stated that he would be amenable to this and that it could be made a condition that a pulldown ladder be put into place to ensure that the attic is used strictly for storage purposes.

Mr. McCarthy then stated that the pitch of the attic may be strictly for aesthetic purposes only. He then stated that when you look at it from the front they essentially look the same. Mr. McCarthy then stated that they essentially look similar. Mr. Rivera then stated that it is only a few feet of a difference. He then stated that he would not have a problem with the condition which would lower the peak of the roof. He then stated that it would create a flat-roof on the left side which would be a lot easier for the contractor to build. Mr. Rivera then stated that the goal is to avoid a third floor which can be habitable, so these conditions may be a good thing. Mr. McCarthy then stated that seven feet is still too low for the attic to be habitable.

The following conditions were presented to the applicant:

1. Applicant must install sprinklers throughout the building.
2. Pitch of the roof must be lowered to ensure that the attic cannot be habitable.

With no further discussion,

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

Richard Rivera, Chair- Yes with the two conditions

Beatrice Taveras- Yes with the two conditions

Will Mazola- Yes with the conditions

Roberto Fernandez- Yes with the conditions

The applicant's petition was passed unanimously with a vote of 4-0.

389 Broadway

Krupal Soni

Present to address the members of the board was Krupal Soni of 59 Greenside Way, Methuen, MA.

He stated that he is the current owner of Sam's food store at 389 Broadway. He then stated that the proposal here is to get permission from the ZBA in order to eventually go before the licensing board for a beer and wine license. He then stated that at the moment he is not looking for a full package store license. He stated that the main reason for the request is to allow the customers to essentially get another service on top of groceries. He then stated that the 7-11 across the street changed ownership and they no longer sell alcohol. He stated that he is trying to serve his customers and it would be a good addition to help combat the loss of revenue from the COVID-19 pandemic. He then stated that the location is within the B-2 business district.

Mr. McCarthy then stated that when the hardship of liquor licenses is examined, the 1000-foot setback between the proposed establishment and another of similar use is especially examined. He then stated that

Mr. Soni was right when he stated that 7-11 no longer sells beer and wine, but there are two other full service liquor stores in the vicinity which are Primo's and Broadway liquors. He then stated that he examined where the alcohol will be placed inside of the store and he thinks that the location within the building is in a good location. He then stated that usually the city imposes conditions which state that the liquor be placed in an area where it is visible from the counter to prevent shoplifting, signage related to alcohol be limited to prevent these establishments from appearing as primarily liquor stores on the outside. He then stated that the city is not in favor or against the proposal, but the city would like the members of the board to examine the neighborhood and where the current liquor stores are and determine whether or not this use will be substantially different from the existing uses.

The following conditions were presented to the applicant:

1. Applicant must ensure that the alcohol is placed in a location where it is readily visible from the counter to prevent shoplifting and illegal underage access to alcohol.
2. Signs advertising the sale of alcohol must be limited to ensure that the establishment does not appear to be primarily a liquor store.

Mr. Rivera then asked if there was another store at the corner of Broadway and Acton that sells liquor. Mr. McCarthy confirmed that this is Primos liquors and that it is about 500 feet away.

Mr. McCarthy then stated that generally Broadway is a location where a lot of alcohol is sold, but not in this particular location. He then stated that he has done maps in the 100's section of Broadway and it was discovered that there will be 13 liquor uses within 1,000 feet. He then stated that it is clear that this location of Broadway is not as bad as some of the other parts of Broadway, but there is still a significant amount of alcohol on Broadway.

Mr. Armano then indicated that he has a map that displays this data and requested to share it with the members of the board. He then displayed this map to the members of the board.

Mr. McCarthy then asked if the proposed location is in the corner of Cross Street and Broadway. Mr. McCarthy indicated that this is correct. Mr. Soni stated that this is correct. Mr. McCarthy then stated that this location is in a spot where it is near some of the other more congested locations.

Mr. Fernandez then stated that his opinion is that there are a lot of businesses in the area and Lawrence as a whole that are suddenly requesting alcohol sales. He then stated that he does not know how much the city can handle. He then stated that he feels like there is just too much that is going on.

With no further discussion,

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

Beatrice Taveras- No
Will Mazola- No
Roberto Fernandez- No
Richard Rivera- No

The applicant's request for a Special Permit for liquor use and dimensional variance was denied.

167 Prospect Street
Anna and Erikson Levy

Present to address the members of the board were Anna and Erikson Levy as well as Frank Giles.

Mr. Giles stated that the property in question is a large piece of property with a very large historical building that has some historical value. He then stated that the renovation of the property would help preserve the historical value of the carriage house. He then stated that the purpose of the proposal is to preserve the historic building and turn it into housing rather than to tear it down. He then stated that the possible hardship with the proposal can be that the lot is very narrow and deep. He then stated that the lot is definitely suitable for two apartment buildings and it has enough lot area.

Mr. Rivera then asked if the plans were supposed to be stamped by an architect. Mr. McCarthy stated that they do not have to be.

Mr. Rivera then asked if the home would be a single-family home. Mr. Giles then stated that the existing home is a single-family home.

Mr. McCarthy then stated that the applicant is attempting a conversion. He stated that the conversion is in the city ordinance in order to restore a historical building. He then stated that the building needs to be a certain age in order for this to be done. He then stated that the building has to be older than 75 years in

order to be eligible for a conversion. He then stated that this particular building dates back to about 1850. He then stated that the building used to belong to a machinist and his family. He stated that the building that will be renovated used to be a carriage house. He then stated that the goal is to restore the home and that one of the conditions that the applicant has to meet is that the building must be renovated to two or more units of housing which the applicants are doing. He then stated that the matter is before the board in order to secure a variance. He then stated that the Special Permit will be granted by the Planning Board. He also stated that the project is scheduled to go before the LPB the following week. He then stated that the applicant needs to meet the dimensional requirements or secure a variance as well. He added that there is clearly a hardship associated with the proposal, specifically the topography, shape of the lot and location of the existing carriage house. He then stated that it is obvious that the carriage home would require sprinklers and the applicant would have to agree to any safety recommendations set forth by the LFD. He then stated that the applicant is seeking a variance for side setbacks and frontage.

Mr. Rivera then asked if the second means of egress would be internal or external. He stated that it should be as much as possible. He then stated that there is a set of existing external stairs as well as internal ones.

Mr. Rivera then asked if there was once a bakery in the top of the building. Ms. Levy and Mr. McCarthy stated that there was not. Mr. Rivera then asked if there was any type of business in the past in the building. Ms. Levy stated that it was not and that it is currently just a three-family home.

Mr. McCarthy then stated that the home was once an old Victorian home that was once owned by a merchant who sold tobacco. Ms. Levy then stated that the original owner was a mill worker. He then stated that the family members visited 10 years ago and the current owners were told that the home was owned by a mill owner and the carriage house had been there ever since. She then stated that the home dates back to the 1850's and the home has been standing with no use or purpose. She then stated that family wants to take it and turn it into something that can be long lasting.

Captain Delaney then stated that he was at the property a couple of weeks ago and that he did not know about this project at the time. He then stated that the LFD has some concerns about the access to the property. He stated that the building is 200 feet off of the street and that it may be a good idea to continue the matter that way all of the various city departments can perform a site walk and take a look.

Mr. Rivera then stated that the LFD is requesting that the case be continued so they can perform a site walk.

Ms. Levy then stated that she would be amenable to a continuance.

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

365-369 Haverhill Street
RJJM LLC... Trejo Brothers (Max and Jesus)

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

Mr. Giles then stated that he had a site plan and a stamped architectural. He then stated that the project is being undertaken by the Trejo Brothers who have been developing throughout the city and have done an amazing job.

He then stated that the location in question used to be an old church and function hall which was recently a boxing club. He then stated that the building has recently become inhabited. He then stated that essentially the Trejo Brothers are trying to retrofit the building. He then stated that it will turn into several apartment buildings. He then stated that the lot in question is abutted by its own separate lot. He then stated that the abutting lot will be used for parking. He then stated that there will be approximately 35 parking spaces. He then stated that there is an ally that may also be able to be used. He then stated that one or two parking spots may need to be eliminated if a dumpster is called for. He then stated that the building will be six stories and that the developers will essentially be adding dormers and squaring the peak of the roof off. He then stated that 30 units will be built and showed the apartment schedule to the members of the board.

The Trejo brothers then echoed some of Mr. Giles' statement and even stated that the facade of the building will try and be preserved as much as possible.

Mr. McCarthy then stated that this project was similar to the one that the board had just talked about. He stated that this will also go before the Planning Board for a conversion as well. He then stated that the building was formerly a church and function hall. He then stated that it is a historic building that has been in disrepair and that the diocese essentially just let it go. He then stated that the building had been for sale for a long time and that the developers are taking on a tall task to try and fix this building. He then stated that the historic restoration is what the key to the proposal is. He then stated that the neighborhood is very

rough and that it is a good idea to provide parking for the future residents. He then stated that the development would be of benefit to the city and that the variance that the developer is asking for is essentially for 50% of the parking requirement.

Mr. McCarthy then asked if all of the units were two family units. Mr. Trejo stated that they were. Mr. McCarthy then stated that the variance will essentially be for one car per unit. He then stated that many in that neighborhood may not have cars.

H then stated that the other variance that will be needed is for density or units per square foot. He then stated that they are adding to the building and that there are expenses that are typically cost prohibitive such as an elevator. He then stated that the city is in support of the project.

Mr. Rivera then asked who the architect on the project was. Mr. Giles stated that it is a partnership. Mr. Rivera then stated that he is asking because there are two architects listed on the plans. He then stated that he spoke with Marcos Devers and he has no recollection of approving the plans that were before the board at the moment. Mr. Giles then stated that perhaps Mr. Rivera was thinking of a different location.

Conversation then ensued regarding the location of Mr. Devers' office and one of his projects.

Mr. Rivera then asked if Gilberto Jimenez was an architect. Mr. Trejo stated that he was. Mr. Rivera then asked why the architectural were not stamped. Mr. Trejo stated that he does not know, but that Mr. Jimenez has done projects for him before. Mr. Rivera then stated that the plans are not stamped by an architect and there have been some past issues where plans had not been approved. Mr. Trejo then stated that from his understanding, these plans do not need to be stamped. He then stated that the plans he has submitted in the past were not stamped. Mr. Rivera then stated that this will not be accepted in the future.

Mr. McCarthy stated that he did not want to disagree with Mr. Rivera, but he believes that the plans do not need to be stamped by an architect because the exterior of the building and its appearance will be the jurisdiction of the LPB. He then stated that the ZBA is present to decide on whether or not there is a hardship with the property and with the parking situation and if so, to grant the variance for parking and density. He stated that the board does have stamped site plan, which is the only requirement at this point in the process.

Mr. Fernandez then asked if the building was going to be sprinkled. Mr. Giles stated that it would be.

Mr. Armano then stated that the project is still in the planning stage, but the building has been an eyesore and a problem property for the city and many of its departments for years now. He stated that there were problems with trash and the homeless. He then stated that he wanted to say that his office is in support of the project, but that there is some work that needs to be done. He then stated that the he is grateful that the developers are taking on the project and making this building better.

Mr. Rivera then stated that he will be doing some research on the plans being stamped prior to when an applicant comes before the board. He stated that based on all of the trainings that he has taken; one of the requirements is that the plans would have to be stamped. He then stated that there have been some issues in the past where people submit plans that are not stamped and then the plans are changed.

Mr. McCarthy then stated that the requirements for the application specifically pertain to site plans. He then stated that in the cases where an applicant proposes a single or two-family home, the board requests a stamped design plan because these cases do not go before the LPB for review. He then stated that large construction such as three or more units would need to go before the LPB for further review. He then stated that the various city departments even review the project. He then stated that when it comes to matters such as this one, the LPB is another step in the review process. He stated that the boards have different roles when it comes to a situation like this one.

Mr. Giles then stated that he understands the concerns that Mr. Rivera has raised. Mr. Rivera then asked if an Appleton Street project that was similar to this one needed stamped paperwork. Mr. McCarthy stated that he did not know. He then stated that the applicant is not required to submit architectural plans. He stated that the LPB submission would need to be stamped.

Mr. Rivera then stated that the building is an eyesore and at the end of the day he is happy that the building is getting worked on. He then stated that the board's practices need to be consistent.

Mr. McCarthy then stated that the vote would be for a parking variance and for density as well.

Ms. Taveras then asked why the extra floor is being built. Mr. Trejo stated that this is being done to offset some of the building costs. He stated that it would make no sense to cut the building down to five floors. Ms. Taveras then asked where the residents of these future top floor apartments would park. Mr. Trejo stated that he believes that not everyone who lives there will own a car and will need no parking. He stated that he believes that it will not be a problem here.

Nancy Ippolito of 10 Market Street then asked if the Trejo brothers would be the landlords of the property and if not, how they are going to approach renters. She stated that asking renters whether or not they would need a parking space is dismissive. The Trejo brothers stated that the plan is to include one parking spot per apartment and include five additional spots just in case someone needs another spot. He then stated that they plan on managing the property like they manage many of their other properties. The Trejo brothers then gave some examples of their other properties and how well this method has worked in the past.

Mr. Mazola then asked what the hardship would be in this case. He then stated that it sounds like there is enough parking with one per unit, but no lease or deed taken on for that. He stated that the parking does not seem like a definitive plan. The Trejo brothers then stated that the current plan is to have 30 spots, with one spot dedicated for each unit with five extras. He then stated that they own the lot and that the plan would be to have spots designated by number. Ms. Taveras then stated that she would like this to be imposed as a condition. She then gave her own example regarding the parking situation at her residence.

The following condition was presented to the applicant:

1. Applicant must use a numerated system of parking that ties one parking spot to one unit.

Mr. Fernandez then stated that the applicants are doing the right thing by providing an off-street parking lot. He stated that this project is a lot more different than the other project on Common Street. Mr. Mazola then stated that he agrees, but he has questions because he is a bit confused in regards to this proposal.

With no further discussion,

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

***Will Mazola- Yes with the one condition
Roberto Fernandez- Yes with the one condition
Beatrice Taveras- Yes with the one condition
Richard Rivera, Chair- Yes with the one condition***

The applicant's petition was unanimously passed with a vote of 4-0.

29-31 Summer Street
Neily Soto

Present before the board were Neily Soto and Frank Giles.

Mr. Giles stated that this property is like the last proposal in the sense that it has access to the rear of the property via an alleyway which is always a benefit. He then stated that this property is essentially two lots combined into one which will make it so the combined frontage between the two lots is 68 feet. He then stated that Ms. Soto is proposing a three-family townhouse style home with garages and parking space in the rear. He then stated that a wraparound meeting was performed by the city and its various departments and it was beneficial, and the project underwent some extensive review from the city prior to the design. He then stated that one of the changes from the initial design was the implementation of more greenspace. He then stated that 33% of the total lot will be greenspace. He then stated that this will be a particularly good piece of property for the neighborhood. He then stated that there will be plenty of rooms for shrubs, bushes and other plantings. He stated that there also is a pass through via the alley which is especially useful as well. He then stated that the pass through will help alleviate some of the traffic and will do nothing to affect the parking situation in the area. He then stated that the units will be 18x40 and will be a good size and be large enough for tenants to live comfortably.

Mr. Giles then presented the architectural plans to the members of the board. He then stated that this location is within an R-3 residential zoning district and as a result the use is supported. He then stated that prior to the lot being vacant, it did contain five units.

Mr. Rivera then asked if the access to the rear of the building will be via the alleyway or a curb cut. Mr. Giles stated that it would be both. He then stated that you can use the curb cut in the front to access the property and you can also access it through the rear. He then stated that the turning radius is 28 feet which is excellent and allows both the LFD and LPD to adequately access the property.

Mr. Rivera then asked if the garages would be in the bottom of the building. Mr. Giles stated that they would be.

Mr. McCarthy then stated that the variance will be for units per square foot. He then stated that the combined lots would be one of the larger lots on the street and that the city supports the project. He then stated that the project would have to go before the LPB and that the project will emulate the buildings

across the street. He then stated that the width and design of the building is like the rest of the buildings in the area.

Mr. Rivera then asked what the pitch of the attic would be. Mr. McCarthy stated that it is higher than what we want and that it may go up to three floors. He then stated that the city would not necessarily be against it, but either way the building will be sprinkled. He then stated that the reason the building is moved over is because there is another unit on the side that is right on the lot line.

Conversation ensued regarding the past fire and the buildings that it affected.

Mr. McCarthy then stated that there are some concerns regarding safety and the fact that the city wants something that will look like the rest of the neighborhood. He then stated that Ms. Soto's proposal is the right type of project.

Mr. Rivera then stated that it is a wonderful project. He then stated that in the past the board has not liked parking underneath the buildings. He then asked if the city's opinion on this has changed. Mr. McCarthy stated that it varies from situation to situation particularly in situations where garages underneath is proposed in the front of buildings because essentially the whole sidewalk turn into parking. He then stated that he does not want all the proposed pavement in the front of the building and that this building would most likely end up dominating the rest of the area in terms of parking. He then stated that he is glad that someone is offering parking off the street and that parking in a garage is an amenity that is much appreciated.

He then stated that these units are made for families and there are many amenities nearby that are close to the proposed location. He then stated that this project will be good to bring housing to a location that needs it and can provide landmarks nearby that children can access and enjoy.

Mr. Rivera then asked if the fire department had any recommendations. Captain Delaney stated that a wraparound meeting was performed, and the concerns were addressed. He then asked if the project meets all the required setback requirements. Mr. McCarthy stated that they do not. He then stated that the project is two feet short of the setback requirements on both sides.

Captain Delaney then stated that it was a large fire that took out those homes. He then stated that the LFD was disappointed that the applicant could not build a property that abides by the setback requirements. Mr. Giles then stated that there is 16 feet between the buildings and the abutter on the left has a four-foot setback which is the most critical. He then stated that the buildings will be sprinkled. He then stated that the side backs are only short on one side and not by much.

Captain Delaney then stated he wishes that the applicant could design a building that abides by the setback requirements because the building would be farther away from the others and therefore safer. Mr. Giles stated that this just would not have been possible.

Mr. Devers then stated that he had been involved in the discussions regarding the property and that Mr. Delaney has legitimate concerns. Mr. Devers then stated that when it comes to matters such as this one NFPA standards need to be followed. He then stated that the building will be sprinkled and the setbacks provide enough distance between the homes to keep a fire from spreading. He then stated that a condition can even be accepted in regards to fire safety.

Captain Delaney then stated that these codes are minimum and that the requirements can be exceeded, but never go lower than the requirements. He then stated that when possible it would be good to go over the requirement.

Mr. Rivera then asked if it could be made into a condition that the wall that abuts the neighboring property has a two-hour fire rating. Captain Delaney then stated that this is a minimum standard that needs to be met, not necessarily something that needs to be imposed as a condition. He then stated that he likes the design and it looks great, but it would be very difficult for the fire department to support the proposal due to not having the minimum side setbacks. He then stated that the past fire was a five alarm fire that was a mattress fire and it may not be appropriate to construct another building that does not abide by the setbacks. He then stated that he believes that it is a beautiful looking building, but that the LFD wishes that the project could have been designed in such a way that it would abide by the minimum setback requirements.

Mr. Devers then stated that engineers and professionals need to try and abide by these requirements and that by minimum a one-hour fire rating needs to be installed.

Ms. Soto then stated that the city had performed a wrap-around meeting and as a result the design was made using the feedback from the various members of the city departments. She then stated that these homes would not be rental units and that they would be owner occupied. She then stated that the units will be dedicated towards providing residents of the city with affordable entry-level housing which the city does not currently have. She then stated that a design that would be both in compliance with the

setbacks and comfortable for the homeowners would not be feasible. She then stated that these units are to provide housing for families with children who can use play area in the rear and where there will be parking spaces in the rear.

Mr. Fernandez then stated that if the board could make the two-hour firewall into a condition, he would be in support of the project.

Captain Delaney then asked Mr. Devers how he plans on exceeding the code requirements. Mr. Devers spoke in regards to the sprinkler system and the type of sheetrock and other materials that will be used to build the fire wall and stated that the materials that will be used will exceed the requirements thus exceeding the minimum safety standards.

Mr. Rivera then asked Captain Delaney what it would take for the LFD to give their approval. Captain Delaney stated that he commends Mr. Devers' attempt to go above and beyond the safety requirements. He then stated that he would be willing to work with Mr. Devers and the applicant and see what kind of resolution can be made.

The following conditions were proposed to the applicant:

1. Walls that abut neighboring properties must have a two-hour fire rating.
2. Applicant and their registered design professional must comply with all requirements set forth by the LFD.

With no further discussion,

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

Richard Rivera, Chair- Yes with the two conditions

Beatrice Taveras- Yes with the two conditions

Will Mazola- Yes with the conditions

Roberto Fernandez- Yes with the conditions

The applicant's petition was passed unanimously with a vote of 4-0.

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

564 Hampshire Street was assigned to Richard Rivera

29-31 Summer Street was assigned to Roberto Fernandez

5-7 East Pleasant Street was assigned to Beatrice Taveras

389 Broadway was assigned to Roberto Fernandez

10 Norris Street was assigned to Will Mazola

365-369 Haverhill Street was assigned to Daniel McCarthy

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