Due to the COVID-19 Outbreak and the policy changes made by Governor Baker and Mayor Rivera, this meeting of the Zoning Board of Appeals was done remotely.

Roll Call:

Richard Rivera, Vice Chair-Present
Beatrice Taveras-Present
Will Mazola-Present
Frank Campos-Present
Roberto Fernandez-Present

Also Present:

Jorge Martinez, Minute Taker-Present
Michael Armano, Acting Inspectional Services Director-Present
David Palumbo, Acting Building Commissioner-Present
Daniel McCarthy, Land Use Planner-Present
Captain Patrick Delaney, Fire Prevention-Present

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

56 Smith Street
Luisa Polanco

It was expressed to the members of the board that the attorney on the case wishes to continue the matter until the next in-person meeting.

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

555 South Union Street
Greater Lawrence Community Action Council

It was expressed that the attorney handling the matter has requested a 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.

14 Atkinson Court
Bride-Grimes Inc, Ken Kolifrath

Present to address the board were Frank Giles and Ken Kolifrath.

Mr. Giles had stated that he and his client were before the board in order to address some concerns from the last meeting. He then stated that the property in question is a 12,000 square foot lot. He then stated that Atkinson court is not a street that is recognized by the City of Lawrence. He then presented an updated set of plans to the members of the board and stated that the sewer lines, water main and fire hydrant will be installed as a part of the development. He then stated that a turnaround will be installed that will allow the Lawrence Fire Department (LFD) to access the homes in Atkinson Court. He stated that the turnaround will be 56 feet and service all of the equipment that the LFD has to offer except for their biggest truck. He then stated that there will be a drainage system installed on-site. He added that the plans had been sent to the city engineers for review and that they have had 2-3 days to review them.
Mr. Giles then stated that the road needs and deserves to be developed. He added that although the neighbors have input on the situation, they should not dictate the project completely.

Mr. McCarthy then stated that the buildings would essentially be condos, as they will be on the same lot. He then stated that the main problem that many of the abutters are mentioning is the fact that the street is not maintained by the city. He then stated that the development being approved would mean that the property could be turned into a public street and will become a street that has to be maintained by the city.

Lori Martin of 6 Atkinson Court then addressed the board. She stated that she is against the proposal. She stated that the street is not wide enough and that it becomes more congested when it snows. She added that there is no yard space and that development in this area would overburden the Bruce School which is in close proximity to the neighborhood. She concluded by stating that the development does not make sense to her and that she does not want kids on her lawn or loud music blaring in the neighborhood as a result of the development.

Michael Laird of 5 Atkinson Court then spoke. He stated that he is against the proposal as well. He stated that he has no problem with Bride-Grimes; he stated that they have been good neighbors. But he stated that they also plow the street. But he also stated that the road is too narrow for two vehicles to get by, he then stated that the neighborhood cannot support more cars and that it is a safety issue more than anything else. He then stated that there are no sidewalks and he does not want the development to take any of his property from him.

Darlene Moore of 7 Atkinson Court then spoke against the proposal as well. She agreed with her neighbors and then stated that none of the LFD’s safety equipment would be able to fit down the street. She then added that she has never seen a plow truck that belongs to the city plow the street. She then summarized by stating that over the course of the years she has had to fight with the city to get work done to her property because of the fact that Atkinson Court is not a recognized road by the city.

Mr. McCarthy then stated that the neighborhood is zoned as a residential neighborhood. He then stated that the project is technically allowed by right, but by approving 7 units instead of the four or five that are allowed by right, the board would be able to put forth some conditions that would protect the abutters and make things much safer. He then stated that improvements to the road would make it so the city can take ownership of the street which would mean that the street could then be plowed by the city. He stated that the area will be developed sooner rather than later and that this proposal may be the best possible situation. He then concluded that the city is neither for nor against the proposal.

Mr. Rivera then asked if the LFD or the Lawrence Police Department (LPD) had any input regarding the proposal.

Captain Delaney stated that he had examined the plans and a truck sweep analysis had been done. Mr. Giles then stated that the analysis showed that every truck would fit except for the biggest trucks that the LFD has to offer. Mr. Delaney then stated that if residents were to parking in the emergency turnaround that would block LFD access to the area.

Ms. Martin then stated that the signs placed at the turnaround to prevent parking in the area would not be fair to the residents. Mr. Giles then stated that the new buildings would have two stall garages underneath. He added that the turnaround could be used as temporary parking, but not for overnight parking or long-term parking.

Mr. Laird then stated that there is nothing wrong with the street other than the fact that it is too narrow. He stated that there are too many cars on the road as well.

Mr. Rivera then wanted to know if the applicants would have to go before another board. Mr. McCarthy stated that they would have to go before the Lawrence Planning Board (LPB) for a Special Permit for a definitive subdivision. He then stated that the amount of homes going being built on the property is being done in order to offset the cost of improving the road.

Ms. Martin then asked if the homes that were being put in would be sold or be rented. Mr. Giles and Mr. Kolifrath stated that they would be condominiums equipped with full fire protection and safety equipment.

Ms. Moore then asked if it would be truly possible to fit seven townhouses in the area. Mr. Kolifrath then stated that it would be possible to fit the seven homes in the area. He stated that this will be done to offset the costs of improving the road.

Mr. Giles then stated that each unit would be 1,100sf.

Mr. Rivera then asked if there was a financial hardship associated with this proposal. Mr. Giles then stated that there was due to its location at the dead end of the court. He then stated that the land meets the
requirements, but the land makes the development very difficult. He then stated that there is area in close proximity to the neighborhood that abuts the property. He stated that it would be possible down the line to claim that property and add it onto the developments at Atkinson Court.

Mr. Laird then replied by saying that the tracks are still being used.

Ms. Martin then stated that paving the road will not make it bigger. Mr. Giles then stated that the turnaround that is being constructed will help with the congestion in the neighborhood.

Ms. Moore then asked what the definition of a hardship was. Mr. Giles stated that a hardship is tied to the land. Mr. McCarthy then stated that the issue has to be associated with the land such as the shape or topography of the land, its location or other aspects. Mr. McCarthy stated that the only way to make the property feasible is with the turnaround. He added that the fact that the turnaround takes up 1/4 of the land is a hardship in and of its self.

Ms. Moore then asked a question in regard to the specifics of the property. Mr. McCarthy then stated that there can be limitations and conditions put into place that will protect the residents of the neighborhood.

Ms. Martin then stated that developing the area will decrease her level of privacy. She stated that she would like the applicants to build her an eight foot fence. Mr. McCarthy stated that it would be possible for the applicant to build a fence, however the city only allows six foot fences.

Ms. Moore then stated that the fence that is around the tracks that are owned by the MBTA has been torn down several times.

Mr. Laird then stated that the city and the members of the board are showing no concerns for the neighbors. He stated that the city officials and the members of the board are not giving the members of the neighborhood a say in the matter.

Mr. Rivera then stated that the board is trying to sort the matter out. He added that he is trying to take both parties concerns into account and find a happy medium.

Mr. Laird stated that the street is not the problem. He then stated that he and his neighbors would allow the applicant to build two houses only, and nothing more.

Ms. Martin then stated that if the street does not belong to the city, they should not have to pay taxes.

Mr. Laird then stated that he has spoken several times to city officials and nothing has been done.

Mr. Mazola then stated that the applicant can build four houses by right. He stated that the reconstruction of the road will actually be to the applicants benefit.

Anna Valdez of 14 Atkinson Court then spoke to the members of the board regarding the snow and how it affects the road. She stated that the snow just adds to the congestion in the neighborhood and narrows the road even further. Her husband then spoke in regard to the situation as well and suggested that the applicant modify their plans so that they benefit the neighbors in the area as well.

Mr. Rivera then answered and stated that the board can put in place conditions such as the ones that he mentioned that will protect the neighbors in the area. He then stated that the board can only impose conditions on cases that they approve, if the board were to deny the application then the board cannot put any conditions in place that will protect the neighbors.

All of the abutters present agreed that they would be satisfied if the applicant were to build four houses only.

Mr. McCarthy then stated that the cost for the turnaround would be very expensive. He then stated that by building seven units, the developers could offset the costs thus making the turnaround financially feasible. He then suggested that mediation between the two parties would be the best method to coming to an amicable solution. Mr. Rivera agreed that it would be a good idea for both parties to meet.

Ms. Moore then stated that she had met with the Kolifraths and stetted that she cannot picture seven houses on the lot. She also stated that she was concerned for the safety of the members of the neighborhood.

Mr. Rivera then stated that the board wishes to find a “happy medium” before they can vote on the matter.
Mr. Giles then stated that the case also has to go before the LPB as well and that it would be the best possible outcome to take the project off of the table for the ZBA.

Mr. Laird stated that he is against seven homes and he would like the board to continue the matter until the members of the neighborhood and the developers can sit down.

Mr. McCarthy then stated that he had not yet received an application for the LPB. He added that the decision regarding the matter will come before the project has to go before the LPB. Mr. Giles then stated that it would be pointless to sit down with the neighbors and make concessions.

He then stated that he would wish to continue the matter.

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

26-28 Summit Ave
*Maria De La Cruz*

Present to address the board were Marcos Devers and Lunara Devers, the registered design professionals on the project.

He then stated that the dimensions of the property in question are almost 11,000 sf. He added that he is wishing to subdivide the property and build another home that will be used to house the applicants other family members. He added that he would like to install a curb cut and make the lot handicap accessible which would make the property much more convenient for the family. He added that the new home would be a single family home and that he and his client would be attempting to secure two variances, one for density and the other for dimensions. He added that he would be willing to sit down with city officials and would be open to continuing the matter until the next meeting.

Ms. De La Cruz then spoke. She stated that she is a citizen of Lawrence and does not plan on moving away. She added that she would like to make her own space that is in close proximity to her family. She also added that she is the head of a major neighborhood organization and she works closely with the LFD and LPD.

Mr. McCarthy then stated that the case had been reviewed and the plans have been sent to the appropriate departments. He stated that the Planning Department will not take a position on the matter. He added that there is a concern with the driveways and that there is no input from the City Engineers.

Captain Delany stated that the buildings are 16 feet apart when 12 feet are required. He stated that the variances are dimensional in nature. He also stated that every yard in the property is considered a front yard.

Mr. McCarthy then stated that he would like feedback from the city engineers regarding the project.

Mr. Rivera then pointed out that the dimensions of the home are a lot smaller than are required. Mr. Rivera then asked what the hardship was. Ms. De La Cruz stated that the hardship was the fact that she has to live on the first floor of the home due to the fact that a member of the family has physical limitations.

Captain Delaney then asked if the other buildings in proximity meet the building requirements. Mr. Devers stated that they did not, which is why they are asking for a variance.

Mr. Devers then stated that he and his client can come up with plans that will make the home safe and doable. He added that he can make it so that the LFD has ample access to the property as well.

Captain Delaney then asked if the property would be sprinkled. Mr. Devers stated that it may not have to be sprinkled. Captain Delaney then stated that the LFD would not endorse the project without the buildings having the proper setbacks.

Mr. Fernandez then stated that some conditions need to be taken into consideration: 1.) The building needs to be sprinkled & 2.) Applicant must meet with the Land Use Planner and talk about the issues that were addressed regarding the property. Mr. Devers and Ms. De La Cruz agreed.

Ms. Devers then stated that she supports the applicant’s petition and she loves the fact that the applicant wants to spend her whole life in Lawrence.

Captain Delaney then stated that he rode by the property and asked how close the back corner of the building was to the high tension wires. Mr. Devers stated that they are ten feet apart.
Mr. Rivera then stated that he is afraid that he and the rest of the board members would be setting a precedent if they accept this petition.

Mr. Devers then stated that the project is doable and very close to compliance.

Mr. McCarthy then pointed out that the project has to meet the R-1a zoning requirements.

Captain Delaney then reiterated that the LFD would not support the project if there were no sprinklers.

Mr. Devers then stated that he wishes to continue the matter, sensing that the board is in opposition the petition.

MS. De La Cruz then stated that she believes that there are buildings in the city that are on less space. She then stated that she cares about the members of the community and she will maintain her property.

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

276-280 Essex Street
Miguelin Tejada

Frank Giles and Marcos Devers were present to address the members of the board.

Mr. Devers stated that the property in question is on Essex Street and was an old church. He stated that there will be four floors that are residential and one floor that is commercial. He added that there will be one three-bedroom apartment and three two-bedroom apartments per floor. He then added that the building takes up the entire lot. He then stated that there is a fire hydrant in the front and existing utilities, which would need to be converted into residential. He added that he will be working to get a contract for parking spaces and that refuse will have to be take care of by a private company.

Mr. McCarthy then stated that the project needs to go before the LPB as well. He added that it needs a variance, but that the city likes it. He then added that four units is a perfect number of units per floor for the property.

With no further discussion,

The board voted and the results are as follows:

Richard Rivera-Yes
Will Mazola-Yes
Roberto Fernandez- Yes
Frank Campos-Yes
Beatrice Taveras-Yes

The applicant’s petition was unanimously passed.

Upon a motion made by MS. Tavers and seconded by Mr. Campos, the board unanimously decided to accept the previous meeting’s minutes.

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