

Lowell Zoning Board of Appeals Minutes

2/9/2026 at 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Chairman Pech, Vice Chair Callahan, Member McCarthy, Member Procope, Member Hovey, Member Shanahan

Members Absent: Member Briere

Others Present: Mary Brundage (Associate Planner)

The following represents the actions taken by the Zoning Board of Appeals at the 2/9/2026 meeting. This meeting was held in the City Council chambers. Attendees had the ability to participate via Zoom as permitted by Chapter 2 of the Acts of 2025, signed into law on March 28, 2025.

Chairman Pech called the meeting to order at 6:30 PM

I. Continued Business

ZBA-2025-55

Petition Type: Variance

Applicant: Yoiner de la Cruz and Maria Vidal

Property Located at: 13 Whitney Avenue 01850

Applicable Zoning Bylaws: Section 5.1

Petition: The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Yoiner de la Cruz and Maria Vidal to split the existing lot at 13 Whitney Avenue into three (3) lots. Lot 1 will be the site of the existing 3-unit building. Lot 2 will be the site of a single-family home. Lot 3 will be the site of a 2-unit building. The subject property is located in the Traditional Two Family (TTF) zoning district. Lot 2 will require Variances under Section 5.1 for lot area, lot area per dwelling unit, usable open space per dwelling unit, and for any other relief under the Lowell Zoning Ordinance. Lot 3 will require Variances under Section 5.1 for lot area per dwelling unit, maximum stories, usable open space per dwelling unit, and for any other relief under the Lowell Zoning Ordinance.

On Behalf:

Ian Ainslie, PE, Meisner Brem Corp.

I. Ainslie explained the changes made to the project since the last meeting. One of the concerns was the sight line distance on Bridge St., the revised plan will have the current retaining wall removed and relocated 15 feet back from the edge of the pavement. This will provide a clear sightline when a car meets the street. The front portion between the wall and the street will be flat. The proposed retaining wall will

be moved away from the large tree, and a note is added to the plan that the tree must be preserved during construction and that applicant is required to hire an arborist to ensure that happens.

He stated that the number of variances will be reduced to four. The lot line was rearranged so that the lot with the single-family home will be bigger to meet the open space requirement for both lots. Also, the building height for the two-family building was reduced to 2.5 stories and will not need a variance for height. The four remaining variances would be for minimum square footage and lot area per dwelling unit for the two newly created lots. He pointed out neighboring lots that have similar lot sizes. He stated that the density does fit the neighborhood. He also reminded the board that the property is very steep and there are additional costs involved in developing it.

Speaking in Opposition:

Jerry Nutter, 9 Whitney Ave., also speaking on behalf of Ray Bellerose, 168 Eighteenth Street.

J. Nutter stated that the proposed lots are less than half of what is required for lot size. He further stated that because it was allowed in the past doesn't mean it should be allowed now. With the recent massive snowstorm, snow removal is already a problem with the cars blocking the sidewalk. He mentioned that with the upcoming sewage separation project, where there will be construction in that neighborhood in the next six years, it will impact on traffic. He said he is not opposed to the proposed two-family but is against squeezing in one more single-family home as proposed.

Corey Robinson, 5 W. Tenth Street.

C. Robinson stated that the concessions the applicant made were minimal. He expressed concerns about traffic going onto Bridge St. He urged the Board to look at approximately 130-140 units that have been added to the neighborhood in the past 18 months. He stated that the Board has worked tirelessly to find compromises with the developers. He believes that lot is undersized for what they are trying to do and the project is profit driven. He would like to see a scaled down project that would fit the neighborhood.

Speaking in Favor:

Yoiner Le Cruz, Applicant

Y. Le Cruz stated that he addressed most of the concerns with the neighbors. He mentioned that it will be costly to build the retaining wall. He also said he has made efforts to clean and maintain the property.

Discussion:

G. Procope appreciated the neighbors' comments and the applicant's efforts in making investments in the neighborhood. With the upcoming construction in that neighborhood with the \$350 million investment on sewer water separation project, he felt the variances are a little too much. He stated that the Board tries to adhere to the zoning by-laws as much they can. The project is risky for that location due to location and traffic concerns. The project should require less of a variance and needs more compromise. Under these circumstances, he will be voting no.

T. Hovey stated that good effort was made to adjust the height and retaining wall. He felt it could be developed on a lower scale. That if the property was just split in two with the multi-family house, it probably wouldn't be in front of this Board. The development must fit the neighborhood. Maybe in an area that is less dense. He stated that he could not support a project that may not need variances and financial is not a hardship that the Board can consider.

D. McCarthy stated that he was amazed at height of retaining wall and that they come at dramatic costs. He wondered if it was worth the cost to have the three units. He also mentioned that potentially having

an access easement off Whitney Ave. and not on Bridge St., removing the need to deal with the retaining walls at all. He felt that the ask and cost was too much.

I. Ainslie responded that the applicant has spoken with a contractor and got some ballpark numbers and that regardless of whether you have just the two family or the two family and single-family that there would still be a lot of grading that would need to be done on the property.

D. McCarthy asked if they look at could have an access easement through Whitney Ave. Which would minimize the retaining walls and eliminate traffic on Bridge St. He recommended to withdraw the application without prejudice.

S. Callahan appreciated applicant's effort in reducing number of variances. He stated that the property as-is has a lot of challenges. He questioned why easement access from Whitney Ave. wasn't considered as Bridge St. is a state highway and heavily trafficked. He mentioned that the addition of street trees would make the access onto Bridge St. Worse. He agreed that the two units can be done by right.

D. Shanahan stated that he was not as concerned about the access onto Bridge St. as adding 3 units would not significantly add to the traffic. His concerns were with the difficulty with topography. He felt that the variances were a big ask for that location. He agreed on recommendation to withdraw without prejudice to allow the applicant to apply again.

V. Pech appreciated that the applicant was working with neighbors to reduce the number of variances. He would like to see the project scaled down. He stated that the applicant has the option to either go for a yes or no vote from the Board or to withdraw the application without prejudice.

I. Ainslie requested to withdraw without prejudice.

Motion

D. McCarthy motioned to withdraw without prejudice. Seconded by G. Procope. The vote was unanimous (5-0).

II. New Business

ZBA-2025-57

Petition Type: Variance

Applicant: Kayla Phouthongseng

Property Located at: 351 Parker Street 01851

Applicable Zoning Bylaws: Section 5.1

Petition: The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Kayla Phouthongseng to construct a second-floor addition to their property at 351 Parker Street. The subject property is located in the Traditional Single-Family (TSF) zoning district. The addition will require a Variance under Section 5.1 for maximum Floor-Area-Ratio (FAR) and for any other relief under the Lowell Zoning Ordinance.

On Behalf:

Kendra Men, Men Construction, LLC

K. Men explained the proposed project which would take out the existing interior staircase and have one built outside. It would also add a second floor to the existing footprint. Three bedrooms would be added to that floor, and the bathroom would be moved to where the staircase was, along with a utility and laundry room.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

T. Hovey asked if there was going to be interior access.

K. Men confirmed that is currently a two-family home and that there is already another staircase that has access to the front door.

T. Hovey stated that the project isn't too much of an ask.

D. McCarthy noted that the property has improved over the years and glad to see it improve even more. He agreed that this was a minor request.

S. Callahan also agreed that it is a minimal request.

D. Shanahan stated that the project was straightforward and will vote in favor.

G. Procope also agreed that it is a minimal ask and will be voting in favor.

V. Pech had no concerns.

Motion:

D. McCarthy motioned to approve. Seconded by T. Hovey. The vote was unanimous (5-0).

ZBA-2025-58

Petition Type: Variance

Applicant: Danny Rivera

Property Located at: 202 Barker Avenue 01850

Applicable Zoning Bylaws: Section 5.1

Petition: The Lowell Planning Board and Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Danny Rivera to split the existing lot at 202 Barker Ave and construct a single-family home on the new lot. The subject property is located in the Traditional Single-Family (TSF) zoning district. The proposal requires Special Permit approval from the Planning Board under Section 5.1.1(7) to reduce the frontage requirement. The existing lot requires Variance relief from the Zoning Board of Appeals under Section 5.1 for minimum lot area, minimum lot area per dwelling unit, maximum Floor Area Ratio, and for any other relief required of the Lowell Zoning Ordinance. The newly created lot requires Variance relief from the Zoning Board of Appeals under Section 5.1 for minimum lot area, minimum lot area per dwelling unit, and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

J. Geary, Geary and Geary, LLC

J. Geary described the proposed project. The subject property consists of 11,068 sq. ft. of land with a three bedroom, one-and-a-half-bathroom single family home. It is a corner of Barker Ave. and By St. There are also two garages there used for contractor equipment. The applicant plans to demolish the garages to make way for the proposed home. The proposed home will be a three-bedroom, two-bathroom single family home with about 2200 sq. ft. Lot 1 with the proposed home will consist of 6842 sq. ft. of land, Lot 2 with the existing home will consist of 4226 sq. ft. of land. The applicant is requesting relief from minimum lot size and minimum lot size per dwelling unit (LA/DU) for Lot 1 and minimum lot size, minimum lot size per dwelling unit (LA/DU) and frontage. He explained that the neighborhood exhibit shows many lots are of similar size and is in character of the neighborhood. He mentioned that they went to the Planning Board for a special permit to reduce the frontage pursuant to Section 5.1.17. The motion passed 3-2 but since a super majority was required, the permit was denied. He is going before this Board to seek relief on the frontage and then present a new application to the Planning Board for a definitive subdivision. There are about 20 lots in that immediate neighborhood that has 50 feet or less of frontage. The applicant is also requesting relief for Floor-to-Area ratio (FAR) for the existing home on Lot 2. Since the home has a pull-down attic with significant height and a full basement, it throws off the calculation. The revised plan incorporates the concerns from the City planning and engineering departments including identifying the size of the trees, particularly in the right of way, and showing the amount of impervious surface. There would be a 29% reduction of impervious material to 1500 sq. ft. In terms of trees, no trees would be coming down in the right-of-way except for one that is leaning toward the back of the lot. They are proposing two new trees, so it would be a net gain of trees. He stated that the project would increase housing and enhance curb appeal.

Matt Hamor, Landplex, LLC

M. Hamor presented the site plan. He showed where the existing driveway would be removed and restoring the shoulder to the street. He provided detail on the parking spaces and drainage, the addition of the two trees, and sewer and water connections.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

D. McCarthy stated that it was a nice change to have the reduction of impervious surface and that the proposed home was reasonably sized. He asked for clarification on the variances asked for.

J. Geary confirmed that there would be seven variances, lot size and land area per dwelling unit for both lots, minimum usable open space for lot 1: minimum frontage and FAR requirements for lot 2.

D. McCarthy stated that seven variances seem like a lot, but the proposed plan is consistent with the neighborhood. He asked how the trees were being addressed.

M. Hamor showed on the plan where the trees were identified. He pointed at one tree that was leaning precariously toward the dwelling that might have to be removed.

D. McCarthy stated that he would like to have 14 comments from the engineering department be conditioned as part of the approval. He mentioned that there are a lot of gains from this project despite the number of variances requested.

J. Geary mentioned that constructing the single-family home and the landscaping proposed would enhance that corner lot.

S. Callahan agreed that cleaning up the lot would be beneficial for the neighborhood and that many of lots in the vicinity of have less area than is required. He pointed out that it appears that the lot was originally two separate lots that were merged at some point. He stated that it would be beneficial to the City to add a lot. He would be voting in favor.

D. Shanahan agreed that removing the garage structures and adding a modest home will improve the lot. He stated that it is not big of an ask despite number of variances.

G. Procope echoed the sentiments of fellow members. Based on other applications in Centralville, the project is conservative compared to other applications in that area. He felt that was a good project and would be voting in favor.

T. Hovey mentioned that the FAR and side yard setbacks are already existing. He stated that it enhances that part of the neighborhood. He felt that this was a smart development and would be voting in favor.

V. Pech stated he liked plan. He noted that no abutters have come out against the project. He said that was an appropriate project for that lot.

Motion:

D. McCarthy motioned to approve the Variances for Lot 2: minimum lot area, minimum land area per dwelling unit (LA/DU), maximum floor to area ratio (FAR), minimum street frontage and minimum usable open space per dwelling unit (UOS/DU); and for Lot 1: minimum lot area and minimum land area per dwelling unit (LA/DU) with the following conditions:

1. The proposed water and sewer services on By Street are shown connecting to the existing garage, which is noted to be razed. This appears to be in error. Revise the plan to show the services connecting to the proposed house.
2. Add the City sewer main pipe size and approximate depth at the service connection.
3. Clarify whether the proposed sewer service will connect to an existing wye or if a saddle connection to the main is proposed.
4. Add the distance from the downstream sewer manhole to the sewer service connection point at the main and label this dimension adjacent to the connection location.
5. The sewer connection detail includes a note for an existing wye that is currently pointing to the sewer service. Please revise the note so that it clearly references the wye at the sewer main.
6. Add the distance from the downstream sewer manhole to the sewer service connection point at the main and label this dimension adjacent to the connection location.
7. A proposed 2-inch diameter shade tree is shown on the plan; however, online street view indicates the presence of several substantial trees on the property and within the street right-of-way. Please clarify whether any existing trees are proposed to be removed. Revise the plan to

show the existing trees and label their trunk diameters, along with notes indicating whether each tree is to remain or be removed.

8. Mill and pave all the utility cuts in one continuous patch. Show the limits of the restoration on the site plan.
9. There is a proposed 2" diameter shade tree shown on the plan yet online street view shows substantial trees on the property and within the ROW along the street. IS it intended to remove the trees? Add the trees to the plan and label their diameter and whether it is intended for them to remain.
10. The plan shows an existing asphalt driveway apron on By Street that is proposed to be removed. Please clarify whether the gravel driveway area behind the apron is also proposed to be removed or if it is intended to remain as gravel. In addition, the two garages proposed to be razed appear to have associated asphalt driveways. Please clarify whether those asphalt driveways are also proposed to be removed and, if so, indicate this on the plan.
11. Contractor will need to apply for all city construction permits including street opening, trench, sewer, water and driveway.
12. The plan shows an existing asphalt driveway apron on By Street that is proposed to be removed. Please clarify whether the gravel driveway area behind the apron is also proposed to be removed or if it is intended to remain as gravel. In addition, the two garages proposed to be razed appear to have associated asphalt driveways. Please clarify whether those asphalt driveways are also proposed to be removed and, if so, indicate this on the plan.
13. Engineering office must be contacted for all site inspections. This includes drainage, paving, water and sewer services.
14. The City Engineer's Office must be provided with a final revised set of the site plans before the project starts construction

Seconded by G. Procope The vote was unanimous (5-0)

ZBA-2026-1

Petition Type: Variance

Applicant: Jack Le

Property Located at: 150 East Meadow Road 01854

Applicable Zoning Bylaws: Section 5.1

Petition: The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Jack Le for an existing addition. The subject property is located in the Traditional Neighborhood Single Family (TSF) zoning district. The addition will require a Variance under Section 5.1 for maximum Floor-Area-Ratio (FAR), minimum lot square footage, minimum land area per dwelling unit (LA/DU), minimum frontage, front yard setbacks, and for any other relief under the Lowell Zoning Ordinance.

On Behalf:

Jack Le, applicant's representative.

J. Le explained that explained that in 2020 that they decided to add living space to the home due to their expanding family. He did not realize that he needed to go through the permitting process.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

S. Callahan stated he understands the needs but does not have enough information to make a decision. He would need to look at floor plans to understand where the addition is.

J. Le responded that the addition is existing and is on the back on the house and was 12' x 15'. He pointed it out on the site plan.

S. Callahan said that he is a hesitant to vote on it. He suggested to continue to get more information.

D. Shanahan also agreed that there needs to be more information and would like to see a floor plan.

G. Procope agreed that they needed updated information and suggested to continue.

T. Hovey stated that some of variances are already needed regardless of the addition and that the applicant will need to show what is prior and what is there now to determine what variances are needed.

D. McCarthy mentioned that he didn't see a sign that is a minimum requirement for the application. He also agreed that he needed see on paper what the addition was for.

V. Pech suggested to continue with an updated plan and have the sign put up.

S. Callahan added that there was a lot of concrete on the property suggested that applicant to add some green space.

Motion

D. McCarthy motioned to continue to 3/9. Seconded by G. Procope. The vote was unanimous (5-0).

ZBA-2026-2

Petition Type: Variance

Applicant: Robbie Nguyen

Property Located at: 26 Marriner Street 01852

Applicable Zoning Bylaws: Section 6.1.10

Petition: The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Robbie Nguyen to create an additional curb cut and add another driveway at 26 Marriner Street. The subject property is located in the Traditional Single-Family (TSF) zoning district. The project requires Variance approval per Section 6.1.10 of the Lowell Zoning Ordinance for relief from the maximum curbcut requirement, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Robbie Nguyen, Applicant

R. Nguyen explained that he is trying to add more parking spaces to his property. He stated that the current driveway gets filled up fast with family visiting. He also has a couple of old cars that he is seeking to keep in the back with a carport.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

D. Shanahan asked if there was already a dirt driveway there.

R. Nguyen responded that the proposed new driveway would be on the left side of the house from the street and it is currently dirt. The proposed driveway would be the same dimensions.

D. Shanahan stated that he understood the challenges with the current driveway and narrow lot.

G. Procope mentioned that he drove by the property and didn't see a sign posted.

R. Nguyen responded that he didn't understand the process.

G. Procope said there was a prerequisite for the application. He suggested a continuance.

T. Hovey agreed that signage is an issue. He stated that when the project was originally approved it was conditioned that the driveway on the left was to be removed and that condition on that property was obviously not met. He has an issue approving something that was conditioned to be taken down. Also, when approved the driveway went halfway to the house and wasn't sure if there were permits pulled for the extension of the driveway.

D. McCarthy agreed that the sign needs to be posted with the revised site plan. He commented that the previous conditions were on the builder.

T. Hovey commented that the original plan that was approved called for the driveway on the left be removed, the driveway on the right has concrete overflowing in the back so that was also conditioned to approve the building. Obviously, the driveway on the left was never removed.

R. Nguyen stated that he had put the patio in back in place. He explained that it met the open space and setback requirements.

S. Callahan agreed to continue and would like to look at what the original conditions were set.

V. Pech stated that they will continue this so that the sign can be posted.

Motion

D. McCarthy motioned to continue to 3/9. Seconded by S. Callahan. The vote was unanimous (5-0).

III. Other Business

Appoint ZBA Member to Zoning Rewrite Steering Committee

S. Callahan was appointed.

Minutes for Approval:

1/12/2026

D. McCarthy motioned to approve. Seconded by S. Callahan. The vote was unanimous (5-0).

Adjournment

D. McCarthy motioned to adjourn. Seconded by S. Callahan. The vote was unanimous (5-0). The time was 7:55PM.