

# Lowell Zoning Board of Appeals Minutes

**4/13/2026 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](http://www.LTC.org).

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

**Members Absent:**

**Others Present:** Mary Brundage, Associate Planner

*The following represents the actions taken by the Zoning Board of Appeals at the 4/13/2026 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-2026-3**

**Petition Type:** Variance and Special Permit

**Applicant:** Bienvenido Chalas

**Property Located at:** 1570 Middlesex Street, 01851

**Applicable Zoning Bylaws:** Section 6.1.10 and Section 12.6

**Petition:** The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Bienvenido Chalas to operate an outdoor car dealership at 1570 Middlesex Street. The subject property is located in the Regional Retail (RR) zoning district. The project requires Variance approval per Section 6.1.10 of the Lowell Zoning Ordinance for relief from the minimum access drive requirement, a Special Permit under Article 12.6 to operate a car dealership in the RR zoning district, and for any other relief required under the Lowell Zoning Ordinance.

#### On Behalf:

Bienvenido Chalas, 1570 Middlesex Street.

B. Chalas explained he planned to create a small dealership. He has been in the business 10-12 years. The main part of the business is exportation of vehicles but like to open a retail business at this location. He mentioned that he updated the plan to provide parking for customers and visitors.

#### Speaking in Opposition:

Ami Hughes, 20 Caleb Street

A. Hughes wanted to make the Board aware of what it is like on the street due to a used car dealership across the street from the proposed site. It's dangerous for cars to try to turn into Caleb Street. She questioned what they were going to do about snow removal. She presented photos to the Board. She asked if the applicant was going to wash their cars there and mentioned that water pools on her street from the other dealership along with oil leaks. Water goes into Black Brook. She asked what type of cars will be sold there. She mentioned that there is no delineation between the parking and sidewalk at that location.

Speaking in Favor:

None

Discussion:

G. Procope asked about the line that separates the parking and sidewalk, and it wasn't visible last time he visited. B. Chalas responded that he will be painting a yellow line. G. Procope asked about car washing. B. Chalas responded that the cars would come ready to sell and that the cars he is selling are high-end vehicles. Most of his business is through the internet. B. Chalas explained that the snow had been on his lot is the result of snow being dumped onto the lot since it's vacant. When the lot is going to be used, he plans to have the snow removed from the lot.

M. Briere respected the details from the abutter. He believed that the concerns he had at the previous meeting had been adequately addressed and would be voting in favor.

D. McCarthy stated that he viewed the March 9<sup>th</sup> meeting and signed Mullins Rule affidavit to participate in this meeting. He asked about what the plans are to delineate the sidewalk and parking. B. Chalas that he will be painting at the edge of the property and sidewalk. D. McCarthy stated he would like a condition to update the site plan to provide striping at the edge of the property between the sidewalk and parking. D. McCarthy asked about the snow that would be handled on the site. B. Chalas responded that the snow will be removed from the lot. D. McCarthy stated that he would like to make a condition that off-site snow removal will be provided on large snow events. D. McCarthy asked about visitor parking. B. Chalas explained that there are three parking spaces for visitors/employees. D. McCarthy asked if those spaces could be indicated on the plan. D. McCarthy pointed out that there are ten spaces in the parking table for vehicles for sale and asked if there would only be one space for visitors. B. Chalas responded that the engineer suggested that and that they don't anticipate a high volume of customers on site. D. McCarthy suggested that a condition that one spot designated on the site plan as a visitor parking spot that will be in front of the building with access from Middlesex Street. D. McCarthy added that having a six-month administrative review as a condition.

S. Callahan stated his main concern was the delineation between the property line and the ROW and that it looks like it is addressed with striping. S. Callahan asked if there would be an employee present. B. Chalas explained that there will be some cars for retail while others will be moved around to auctions and won't make it to the lot. At most there will be ten cars for retail on that lot. S. Callahan suggested striping one spot designated for the customer with signage. He agreed to a six-month administrative review as a condition.

T. Hovey stated that he would like to cap the number of cars for sale on the site to eight with three spots designated, one for an employee and the other two for visitors. He was concerned with visitors parking on a side street or on sidewalk.

D. Shanahan mentioned that the applicant needs to be mindful of inventory and spaces. He agreed with other members on striping on the lot. B. Chalas explained that they have another location and will not overfill this lot and are mindful of the neighbors. Most of customers would be by appointment.

V. Pech stated that the concerns were addressed. He asked if the applicant was agreeable with all the conditions.

S. Callahan asked about the spaces to delineate. B. Chalas does not need a parking space for himself since he will be using the cars in inventory. B. Chalas stated the internet sales will be shipped out to the customer.

T. Hovey offered that the three spaces more flexibility to move vehicles.

D. McCarthy stated that the two spaces for visitor parking and one space for employee parking makes sense since the employee space would also be a car for sale as stated.

G. Procope agrees with the administrative review.

Motion:

D. McCarthy motioned to approve the Variance with the following conditions:

- (1) Site plan is to be updated and resubmitted to provide striping to delineate the property line from the sidewalk area in the right-of-way.
- (2) Site plan is to be updated and resubmitted to indicate two visitor parking spaces and one employee to be located with striping and signage and vehicles will be accessed from Middlesex Street and be located in front of the existing building.
- (3) Offsite snow removal will be provided.
- (4) A six-month administrative review will be conducted.

The motion was seconded by G. Procope. The motion passed unanimously, (5-0).

## **II. New Business**

### **ZBA-2026-9**

**Petition Type:** Variance

**Applicant:** David Bukala

**Property Located at:** 35 Brian Road, 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 David Bukala to construct an addition to the existing home at 35 Brian Road. The subject property is located in the Suburban Single-Family (SSF) zoning district. The proposal requires Variance approval per Section 5.1 for relief from the minimum front yard setback for garages, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Steve Parquette, Real Estate Developer

David Bakula, 35 Brian Road

S. Parquette explained that the home has been in the same family since 1958. The proposed addition will provide more space and allow for multi-generational housing. The proposed variance request is in keeping with the state and city's objectives in providing affordable, multi-generational housing. The variance is for a front yard setback. Given the unique position of the lot, the variance is only for the right front corner. Need about 6.5 feet of variance. The existing driveway is over the 20 feet minimum; the intent is to close off one portion so it would not be more than 20 feet of driveway. The proposed addition is in keeping with the neighborhood and would add value to this and surrounding properties. A letter of support was submitted by the neighbors, Paul and Paula Moisan.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

M. Briere stated that it was most heartfelt letter of support. He confirmed if the applicant was okay with all the conditions that were laid out by DPD.

D. McCarthy stated that it is not a big of an ask but a big benefit for the community to see families provide multi-generational housing.

S. Callahan shared same sentiments. He asked about the proposed conditions. S. Parquette confirmed that they were okay with them. S. Callahan asked if, since the area in front of the new garage is going to be paved, what will happen with the old driveway. S. Parquette responded that the rest of the driveway will be reclaimed to green space.

T. Hovey asked about the back of the garage, there are two doorways side by side separated by 2 feet. D. Bakula responded that they designed it in case they keep the fence.

D. Shanahan wished best of luck with the project.

G. Procope said the letter sold it. He will be voting in favor. – letter. In favor

V. Pech thought it was great to keep families together. He confirmed that the applicant was okay with the proposed conditions.

Motion:

D. McCarthy motioned to approve the Variance with the following conditions:

- (1) The applicant shall provide an updated Site Plan showing the proposed driveway. The proposed driveway opening after construction shall not exceed (20) ft.
- (2) The applicant shall retain the existing tree in the front yard of the property.
- (3) The applicant shall address Engineering Department concerns subject to approval from the Engineering Department.
- (4) The applicant shall comply with Fire Department comments.
- (5) The applicant shall submit a utility plan prior to obtaining a Building Permit.

The motion was seconded by M. Briere. The motion passed unanimously, (5-0).

**ZBA-2026-10**

**Petition Type:** Variance

**Applicant:** 394 Woburn Street, LLC

**Property Located at:** 394 Woburn 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 394 Woburn Street, LLC to construct an addition at 394 Woburn Street. The property is in the Traditional Single-Family (TSF) zoning district. The proposal requires Variance approval per Section 5.1 for relief from the maximum Floor-Area-Ratio requirement, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Dave Daly, Builder

D. Daly that he received Board approval to subdivide. The site plans that were submitted have not changed in footprint but because they are looking to now add a 2<sup>nd</sup> bathroom on the 2<sup>nd</sup> floor, the FAR requirements are exceeded. He is seeking relief for the FAR requirements.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

D. McCarthy stated that it was a small ask and a big benefit for the property.

S. Callahan had no concerns.

T. Hovey had no concerns

D. Shanahan had no comments

G. Procope agreed it was a minimal ask and will be voting in favor.

M. Briere had no further questions.

V. Pech stated that the relief is minimal.

Motion:

D. McCarthy motioned to approve the Variance. The motion was seconded by S. Callahan. The motion passed unanimously, (5-0).

**ZBA-2026-11****Petition Type:** Variance**Applicant:** Mary Saffioti**Property Located at:** 35 Prospect Street, 01852**Applicable Zoning Bylaws:** Section 6.1

**Petition:** The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Mary Saffioti to create a driveway at 35 Prospect Street. The property is in the Traditional Multi-Family (TMF) zoning district. The proposal requires Variance approval per Section 6.1 for relief from the minimum driveway curbcut, minimum paving setback from the property line and house, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Mary Saffioti, 35 Prospect Street

M. Saffioti explained the requested relief for the curbcut and the driveway setback. She explained that she is seeking relief to have safe off-street parking and access to the side yard.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

S. Callahan stated that it is an extremely tight neighborhood. He agreed with DPD's comment that the proposal does not pose any serious issues in regard to zoning. Additionally, on such a narrow street, it is helpful to create off-street parking where possible.

T. Hovey asked about the PVC pipe sticking on the side of the house, already a narrow pathway. What is going to be done about the pipe. M. Saffioti explained that it can be moved to the other side. Set of stairs toward the back. How to access the door? M. Saffioti explained that there will be adequate access. T. Hovey asked about the retaining wall. M. Saffioti answered that they will be repaired. T. Hovey asked if the abutters had been noticed. M. Brundage confirmed that they had been.

D. Shanahan agreed that the proposal will improve the property.

G. Procope agrees that it is a tight street and anything that takes a car off the street is a good thing.

M. Briere had no questions.

D. McCarthy asked if they were aware of the engineering comments and would like to make that a condition.

V. Pech had no concerns and confirmed the condition from the engineering was acceptable.

Motion:

D. McCarthy motioned to approve the Variance with the following conditions:

(1) The applicant shall satisfy the comments made by the City Engineer's office.

The motion was seconded by G. Procope. The motion passed unanimously, (5-0).

**ZBA-2026-12**

**Petition Type:** Variance

**Applicant:** Madjack7, LLC

**Property Located at:** 49 Sparks Street, Lot A, 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 Madjack7, LLC to construct a single-family home at 49 Sparks Street Lot A. The property is in the Traditional Single-Family (TSF) zoning district. The proposal requires Variance approval per Section 5.1 for relief from the minimum lot area, minimum lot area per dwelling unit, minimum front yard setback, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Geary and Geary, LLP

J. Geary explained the variances are needed to build a single-family home. The minimum required lot size is 7000 sq. ft., the proposed home will be on 5330 sq. ft. lot. The lot is in the Pawtucketville neighborhood, adjacent to UMASS Lowell parking lot. He presented a neighborhood exhibit showing that 93 homes have less than 7000 sq. Ft. He explained that with a small lot, it is hard to build a functional home without exceeding the maximum FAR. Since it's a triangular lot, the front yard setback applies on both sides of the lot. Even though one side is short of the required setback, it is consistent with the neighborhood. He explained that exceeding the maximum curb cut made sense for this location and it was better than expanding the driveway in the back.

Matt Hamor, Landplex, LLC

M. Hamor reviewed the plan. The proposed home will be centered in the widest part of the lot and facing Sparks St. He pointed out where parking, walkway to the porch, drainage and two shade trees will be. He stated that existing vegetation will remain. He also showed the house plans.

J. Geary stated that the proposed home is consistent with the streetscape of the neighborhood and that there is a public benefit by adding a single-family home and adding to the tax revenue. It also supports the Lowell Forward plan. The configuration of lot makes it hardship to conform to the zoning requirements.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

T. Hovey had no questions.

D. Shanahan given the location and configuration of lot, the variance is reasonable. He will be voting in favor.

G. Procope agrees it will be a nice addition to the neighborhood and traffic is minimal there. He will be voting in favor.

M. Briere had no comments.

D. McCarthy asked about the existing house and remaining lot and if it meets the setbacks. J. Geary stated there was an ANR was recorded to subdivide that initial lot. The lot with the existing home is conforming. The only big ask is the lot size and lot size per dwelling unit. In reviewing the neighboring lot sizes, he can support that. He appreciated the two shade trees on the lot.

S. Callahan stated that lots were smaller in the area going way back and the proposal fits with the neighborhood.

V. Pech had no concerns.

Motion:

D. McCarthy motioned to approve the Variance. The motion was seconded by S. Callahan. The motion passed unanimously, (5-0).

**III. Other Business**

**Minutes for Approval:**

3/23/2026

DM motioned to approve the minutes. The motion was seconded by S. Callahan. The motion passed unanimously, (5-0).

**Adjournment**

DM motioned to adjourn. The motion was seconded by G. Procope. The motion passed unanimously, (5-0). Time was 7:57 PM.