

Lowell Zoning Board of Appeals Minutes

6/22/2026 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, Member McCarthy, Member Briere, Member Procope, Member Hovey

Members Absent: Vice Chair Callahan, Member Shanahan

Others Present: Mary Brundage, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 6/22/2026 meeting. This meeting was held in the City Council Chamber. 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-2026-15

Petition Type: Variance

Applicant: TLGLE, LLC

Property Located at: 123 University Ave, 01854

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 TLGLE, LLC to convert the existing building at 123 University Ave into two (2) ground floor commercial units and twelve (12) studio apartments. The subject property is located in the Traditional Mixed-Use (TMU) zoning district. The proposal requires Variance relief from the Zoning Board of Appeals under Section 6.1 for minimum parking requirements, and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

V. Pech noted that the applicant is requesting a continuance to the next available meeting.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

None

Motion:

D. McCarthy motioned to continue to the August 10 meeting. M. Briere seconded. The vote was unanimous (5-0).

II. New Business

ZBA-2026-22

Petition Type: Variance

Applicant: Backyard ADUs, LLC

Property Located at: 24 Staples 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 Backyard ADUs, LLC to legalize a 3rd unit at 24 Staples Street. The subject property is located in the Suburban Single Family (SSF) zoning district. The project requires Special Permit approval per Section 4.5 for a non-conforming use. The proposal requires Variance approval per Section 5.1 for relief for minimum LA/DU and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Jeremy McAdam, Contractor

J. McAdam explained that he is seeking a variance for pre-existing non-conforming use of a three-unit building. Previously, it was a two-unit building. He stated that it would provide more housing and would not create more detrimental use than what already exists.

Speaking in Opposition:

William Nickles, 48 Rindo Park Drive

W. Nickles stated he is an opponent to ADUs and this was one of his areas of concern. He stated that he is an active member of the neighborhood group and it was discussed at their last meeting. On the positive side, it is a well-kept property. Concern that the records show as a two family and it appears the parties are seeking forgiveness for a three-family. The property is in a single-family home zone, not sure how it went to two units. In 2020, it was marketed as a two-family. Sometime between 2020 and 2026, it has gone to a three family. To his knowledge, there has no building permit. With the ADU, the property is going from 2 to 4 units. He expressed concern about parking. There is already a large number of cars parked on both Silver and Staples Street.

Ryan Faria, 130 Campbell Road

R. Faria also expressed concerns about parking and traffic safety. He stated that there are no unique features on the property that makes it physical or financial hardship. The property was listed as a two-family when purchased in 2020. The property is about 14,000 square feet which meets the 10,000 square feet minimum for a single-family home. With a three-family and the ADU, the square footage per unit would be 3500 square feet. The proposal is not a good fit for the neighborhood.

Erik Gitschier, 34 Livingston Avenue

E. Gitschier agreed with the previous speakers. Already have problems and major accidents at that corner. E. Gitschier stated that there is not hardship. More housing in already cramped area. He asked the board to take the neighborhood into consideration.

Speaking in Favor:

None

Discussion:

T. Hovey thanked everyone who spoke. He also mentioned the email that came in opposing the proposal. He mentioned that it was a well-kept property. The ADU cannot be considered in this application. The property is in a suburban single-family zone and it's currently a two-family. He mentioned that there are three electric meters outside. Not sure how this hasn't been known for at least six years that there is an unapproved third unit. The proposal does not meet the conditions for a variance.

M. Briere found merit in the opposition. He stated that is not in favor of the petition.

D. McCarthy asked if there were any plans for the third floor. J. McAdams confirmed there is no living space on the third floor, it's essentially a crawl space. More detailed plans would be provided if there is approval for a third unit. D. McCarthy stated that it is currently marketable as a two-family and doesn't see any reason why this wouldn't be successful as two-family with an ADU. The current density is what belongs there and will not be supporting this petition.

G. Procope agreed with other members. He asked for clarification on the building permit for the ADU. J. McAdams stated that they changed the licensed holders, but it was still an active permit. G. Procope asked if they are building an ADU in addition to the 3rd unit. J. McAdams confirmed that the 3rd unit is a pre-existing non-conforming unit. J. McAdams stated that there is a complicated history with the property. The building department recognizes it as an illegal 3rd unit even though it is not being operated in such a way. The next course of action would be to demolish the 2nd kitchen if a variance was not granted. He confirmed that the 3rd unit is not currently being rented. G. Procope stated that he would not be voting in favor.

V. Pech stated that petition does not meet pre-requisites for a variance and was not in favor.

J. McAdams requested to withdraw the petition.

Motion:

D. McCarthy motioned to withdraw the variance without prejudice. G Procope seconded. The vote was unanimous (5-0).

D. McCarthy motioned to withdraw the special permit without prejudice. T. Hovey seconded. The vote was unanimous (5-0).

ZBA-2026-23

Petition Type: Variance

Applicant: Wexford Development, LLC

Property Located at: 256.2 Market Street, 01852

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 Wexford Development, LLC to construct a 3-story commercial building at 256.2 Market Street (Parcel 15). The subject property is located in the Hamilton Canal Innovation District (HCID). The proposal requires Variance relief from the Hamilton Canal Form-Based Code for relief from the build-to-line requirement for Parcel 15 s. A, and the fencing requirement per Section 10.3.11 15(c), and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

William Martin, attorney

W. Martin described the project. The developer, Wexford Development is proposing to develop and lease the property to Draper Labs, which will be called the Draper Labs Impact Center. He stated that the relief requested is minor. One setback range is 24 to 28 feet, the proposal is 22 feet, another range is from 30 to 34 feet, the proposal is 38 feet. Also, a proposal for a variance for fencing requirements which is needed for security. The consultant presented a PowerPoint presentation describing the project.

Speaking in Opposition:

Mary Hart. 200 Market Steet #206

M. Hart stated that the building is going into the middle of the neighborhood. There are surrounding apartments with hundreds of people living in them. She expressed concerns about the references to security, the security fences. She questioned what the eight foot security fence would look like, if the sidewalks would get smaller, and if the canal walk would still be open. These are amenities important to the neighborhood. She asked the board to consider preserving some of the green space around the building.

Steve Malagodi, 200 Market Street #216

S. Malagodi expressed concerned about the fencing. Is there going to be barb wire fencing and security cameras surrounding the facility that monitors everybody? He questioned if the building would get taller and how would affect property values.

Speaking in Favor:

None

Discussion:

M. Briere stated that DPD staff exams each petition and indicated that the proposed relief would not be detrimental to the public good. He agreed with staff and would voting in favor

D. McCarthy stated that the relief sought is minor as far as setback numbers. He stated that the proposal meets the requirements for the use. He suggested that form-based code should be revisited since it's 20 years old. The form-based code is there to attract development and mixed use. The fencing rising a foot makes sense. He stated that it's a beautiful and fits within the context.

G. Procope agreed that is a beautiful plan and makes sense. Fact is that it is mixed use. He asked with the fence and the new construction, is the building cutoff from the pathways. The applicant pointed out where the canal is on the plan and that the sidewalk is north of the property. Where the rubber-tired trolley is, there would be signage for no thorough traffic with the exception of the trolley. G. Procope stated that he doesn't think it will be a detriment to the neighborhood and the relief requested is minor. He will be voting in favor.

T. Hovey asked about the rubber-tired trolley that runs along Dutton Street. The National Park Service runs that. It is not on the property but required to allow that pathway. Sidewalks will remain the same. T. Hovey stated that the ask is minor for the development in that zone.

V. Pech agreed that the ask is minimal and that the project is a benefit to the city.

Motion:

D. McCarthy motioned to approve the variance. T. Hovey seconded. The vote was unanimous (5-0).

ZBA-2026-24

Petition Type: Variance

Applicant: Ideal Living Home Development, Inc.

Property Located at: 38 & 49 Casco Street, 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 Ideal Living Home Development Inc. to construct a single-family home in the Traditional Neighborhood Single Family (TSF) zoning district at 38 & 49 Casco Street. The new home requires variance approval under Section 5.1 for minimum frontage and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

V. Pech noted that the public notification requirements have not been met.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

None

Motion:

D. McCarthy motioned to continue to the August 10 meeting. G. Procope seconded. The vote was unanimous (5-0).

III. Other Business

Minutes for Approval:

6/8/2026

D. McCarthy motioned to approve the minutes. G. Procope seconded. The vote was unanimous (5-0).

Adjournment

D. McCarthy motioned to adjourn. M. Briere seconded. Motion passed unanimously (5-0).

Meeting adjourned at 7:29 PM