

# PLANNING BOARD



# LAWRENCE MASSACHUSETTS

**Vice Chair**  
David Quarrell

**Voting Members**  
Antonio Reynoso  
Franklyn Veloz  
Brenda Rozzi

**Associate Voting Member**  
Betty Camilo-Correa

**Administrative Assistant**  
Jorge O. Martinez

**Land Use Planner**  
Daniel A. McCarthy

**CHAIR**  
Tamar Kotelchuck

## **LAWRENCE PLANNING BOARD**

February 5<sup>th</sup>, 2020

Minutes to the Meeting

Held in the Office of Planning and Development, 12 Methuen Street, Lawrence, MA 01840

**Upon a Roll Call the following members were present:**

Tamar Kotelchuck, Chair  
Brenda Rozzi  
Antonio Reynoso  
Betty Camilo- Correa

**The following member(s) were absent:**

David Quarrell

**Also Present:**

Dan McCarthy- Land Use Planner  
Jorge Martinez- Minute Taker  
Michael Armano- Acting Inspectional Services Director

*Upon a motion made by Mr. Reynoso and seconded by Ms. Rozzi, the board unanimously decided to open the public meeting.*

### **BOARD BUSINESS**

#### **Proposed Car Wash at 61 Merrimack Street**

Ms. Kotelchuck provided the board with an update on the carwash that had been proposed at 61 Merrimack Street. She stated that originally many of the city run boards have not supported the proposal. She then stated that the matter had been voted on by the City Council and it was passed with a vote of 7-2. Ms. Kotelchuck then asked her fellow board members what their next steps should be and what their position was in the matter.

Ms. Rozzi stated that the applicant is proposing a car wash on Merrimack Street, but Haffners Car Wash is in close proximity to the location where the car wash is being proposed. Mr. McCarthy then stated that there are setbacks in the City of Lawrence Revised Zoning Ordinance which prevent a car wash from being within 400 feet of another car wash. Mr. McCarthy then stated that the applicant would not be able to build the car wash, by right.

The applicant also wishes to tear down a historical landmark, much to the dismay of the Lawrence Historical Commission.

Ms. Rozzi then brought up the concept of “spot zoning” and what it entails. She then stated that the concept thoroughly applies in this situation. Mr. McCarthy then elaborated stating that the term “spot zoning” is not a legal term, but more a technical term. He stated that a rough definition of “spot zoning” is to rezone an entire area to just to service one property or person. He stated that it is both immoral and illegal.

Ms. Kotelchuck then asked if anyone from the public can appeal the decision. Mr. McCarthy answered and stated that anyone could. He then stated that Haffners would likely be in opposition due to the fact that they are less than 400 feet away from the proposed car wash. He then stated that there are no hardships.

Ms. Kotelchuck then stated that she does not appreciate the fact that the City Council voted against the recommendations of the board.

Mr. McCarthy then reiterated that having a car wash on Merrimack Street, which is already a busy street, would be a traffic nightmare.

Ms. Kotelchuck then stated that she was open to thoughts and recommendations from the other members of the board and other members of the public.

### **Site Walk at 300 Canal Street**

Mr. McCarthy stated that the property manager has invited the members of the board and the city staff to tour their units and examine the size of the units.

He stated that the property owner would like the board to examine the units before their filled and before the furniture is installed. Friday, February 21<sup>st</sup> from 2:00-4:00 was the time and date that was agreed on by the board.

### **Proposed Amendment of 36 Kendall Street**

Present before the board was Luis Tejada, the owner of the property and the party responsible for bringing the need to rezone Kendall Street to attention.

Mr. McCarthy then referred to three maps to show what the current zoning of the property is, to show the zoning that the applicant is proposing and to show a compromise of zoning that will satisfy both the applicant and the other members of the city.

Mr. McCarthy then stated that the R-3 Residential Zoning District is the least restrictive zoning district and R-1 and R-2 are more stringent as it pertains to the number of residential units. He then stated Kendall Street is mostly zoned as R-1 and R-2 Residential Zoning Districts. Currently the street is zoned as an R-2 so adding a third unit would not be permitted by right, but would be if the street was rezoned into an R-3. Mr. McCarthy then showed another map that broke down the number of units in the neighborhood. The overwhelming majority of the homes were one and two family homes.

He then stated that Kendall Street has no parking on the street and the request made by the applicant to rezone would not be reasonable.

It was mentioned that the plan to rezone the neighborhood was brought up by Councilman Payano.

Mr. McCarthy then stated that the Lawrence Planning Board can only send their recommendation to the City Council. He then stated that there is a possible compromise, but he was shocked that no one from the public was present to speak on the matter.

Ms. Camilo-Correa then stated that it would be possible to rezone the neighborhood and allow applicants to convert their homes from two-family homes to three-family homes, as long as they fit the criteria and follow the building guidelines.

Mr. McCarthy then stated that rezoning the area would cause a domino effect in the neighborhood. He then stated that the board could support, oppose or make a subjective amendment, but the vote would need a 3/4 majority. He then stated that this would be another case of spot zoning, as the only house on the street that will benefit from the zoning change would be the one located at 36 Kendall Street. He also stated that it could be reverse zoning as well.

Ms. Kotelchuck stated that she did drive around the neighborhood to do her own observations.

***Upon a motion made by Mr. Reynoso and seconded by Ms. Rozzi, the board unanimously decided to open the public hearing.***

Mr. Tejada then spoke regarding the zoning change on Kendall Street.

Mr. Tejada then referred to the plans that were displayed on the monitor and showed to the board. He stated that roughly 90% of the homes on the street are three story homes (which are not allowed in an R-2 neighborhood). He also stated that many of the homes in the area may be

two-family homes, but they look like three-family homes. Mr. Tejada then presented a video of the neighborhood to the board.

Ms. Kotelchuck then asked what happened with the property. She wanted to know if the home went in as a three-family home or if the extra floor was built after the fact without a permit.

Mr. McCarthy then stated that many of the residents of the neighborhood complained, but none were present to speak against the rezoning.

Ms. Kotelchuck then wanted to know if the plans showed a third floor or not. Mr. Tejada stated that it did.

Ms. Camilo-Correa then stated that if there were enough parking spots and guideline were followed as it pertains to building code and the local ordinances, then it would not be a bad idea.

Mr. McCarthy then stated that building up Kendall Street would not be feasible from an engineering standpoint. He stated that the lots are bigger in that area due to the fact that they are on a hill. He also added that runoff and erosion are an issue in the area. He then suggested that the board's letter to the city council contain that the Planning Director is against the project.

Ms. Kotelchuck then stated that this case sets a precedent. She then stated that essentially the applicant is changing the rules after they already broke them. She then stated that ultimately the decision rests solely on the city council.

Mr. McCarthy then ran the board through their options.

***The board, having heard all of the facts voted regarding the rezoning of Kendall Street. The results are as follows:***

***Betty Camilo-Correa- Yes, due to the fact that the city needs housing.***

***Antonio Reynoso- No, because voting in favor would exacerbate the problem.***

***Brenda Rozzi- No, because voting in favor would exacerbate the problem.***

***Tamar Kotelchuck- No, because she believes that it is spot zoning, but she does not want to set a precedent.***

***As a result of a 3/4 vote against the rezoning, the board voted to send the letter to the city council that states that the board is against the proposal.***

***Upon a motion made by Mr. Reynoso and seconded by Ms. Rozzi, the board unanimously decided to adjourn the public meeting.***