



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday July 20, 2020 6:30 p.m.

Conducted via Zoom

Note: These minutes are not completed verbatim. For a recording of the meeting, visit www.ltc.org

Members Present

Thomas Linnehan, Chairman
Gerard Frechette, Vice Chairman
Richard Lockhart, Member
Robert Malavich, Member
Caleb Cheng, Member
Russell Pandres, Associate Member
Sinead Gallivan, Associate Member

Members Absent

None

Others Present

Fran Cigliano, Associate Planner

A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:34pm.

I. Minutes for Approval

June 15, 2020

G. Frechette motioned and R. Lockhart seconded the motion to approve the minutes from the June 15, 2020 Planning Board meeting. The motion passed unanimously, (5-0).

II. Continued Business

Site Plan Review & Special Permit - 113 Walker Street 01854

JJN Realty Trust applied for Special Permit and Site Plan Review for a proposed nine (9) unit residential development at 113 Walker Street. The existing structure is a two-family home on a 37,036 sq. ft. lot located in the Traditional Neighborhood Multifamily (TMF) zoning district. The applicant proposes to demolish the existing structure, subdivide the lot and construct four (4) townhouses on Lot A, and four (4) townhouses on Lot B. The applicant is seeking Special Permits for Lot A and Lot B for the use of four (4) to six (6) dwelling units on a single lot, and Site Plan Review for a development with more than three (3) dwelling units.

On Behalf:

John Cox, Applicant's Attorney
Matt Hamor, Applicant's Engineer

J. Cox: I'm happy to report that we received emails on July 14 from the stormwater team pertaining to water issues as well as from the Fire Department. We met with Deputy Beane from LFD pertaining to issues they had, and I think Member Gallivan brought that up last meeting. Have agreed to sprinkle all the buildings. That was something he endorsed. We also agreed that the snow removal will be handled privately. Snow will be removed for larger storms. Private trash removal. Happy to answer any questions you may have. FC is very helpful and accessible. MH is listening in. Here for any questions.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Note: R. Malavich recused himself from this petition.

J. Cox: As far as signage, there will be signage pertaining to emergency vehicles.

M. Hamor: You'll see on the layout sheet, there is no parking signage on the right hand side of the drive. Also the signage we had discussed related to 30 minute parking.

R. Malavich: Would like to recuse myself because I have not been up to date on these projects.

C. Cheng: Just want to verify. Building that was sprinkled – still putting in fire hydrant?

M. Hamor: We discussed the fire hydrants and it was determined that there would be an individual 2 inch line to each unit. No need for a hydrant. Hydrant on front right corner already.

G. Frechette: We received emails from the Fire Department indicating that they were satisfied with the building, and the signage as well. 100% sprinklers is big issue here. Items have developed over time – fencing and 10 cut no buffer in the rear. Usable open space. Have snow removed, parking meets requirement, neighborhood character and streetscape, will fit in in terms of look at feel. Large lots. I just think we covered about everything we could. The technical issues came down to LFD and drainage and they've been resolved.

S. Gallivan: Have one final clarification. The site plan indicates that the building height was to be determined. What is the final building height?

M. Hamor: Less than 35 feet. Probably 25 feet in height.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to approve the Site Plan Review application with the following conditions:

1. The applicant shall sprinkle 100% of the buildings.
2. The applicant agrees to remove snow off site if it cannot be maintained on site safely.
3. The trash pickup service shall be private.
4. The applicant shall adhere to required signage and shall receive final approval from the Lowell Fire Department.
5. The applicant shall submit a landscaping plan to be approved by DPD.

The motion passed unanimously, (5-0).

R. Lockhart motioned and G. Frechette seconded the motion to issue the Special Permits with same conditions. The motion passed unanimously, (5-0).

Site Plan Review: 170 Lincoln Street 01852

Columbia Care, Inc. is seeking Site Plan Review approval to expand an existing marijuana cultivation facility at 170 Lincoln St., 156 Lincoln St., 17.1 Tanner St., and 159 Tanner St. The facility is in the General Industrial (GI)

zoning district and the expansion requires Site Plan Review approval under Section 11.4.2 and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Bob Mayerson, President, Columbia Care

Kyle Burchard, Applicant's Representative

Ryan West, Vice President of Infrastructure, Columbia Care

B. Mayerson: I believe the actions we are proposing and have already taken will address your concerns. Just wanted to address the questions about odor at the facility. Built out this facility over five years ago. Went through a significant design phase. Used technology available at that time. System designed to handle everything had issues. Since last meeting, have taken significant actions already to deal with that. Have already been by the facility a couple of times just to make sure. Couldn't detect any odors walking by the building.

R. West: We have conducted an inspection of the site. Sources of odor and mitigation. Multi-pronged approach. Quite complicated. Ten location of varying degrees of odor intensity. One of our units was a significant source. Once we identified sources, were able to go to vendors and odor mitigation specialists to use more sophisticated tech than years ago. Continuing with carbon filters and oxidation devices. UV light which shines and creates oxides and neutralizes bacteria, odors.

K. Burchard: Presents updated site plans. I believe we are in line with City departments. Would like to close this evening if possible.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Note: R. Malavich recused himself from this petition.

R. Lockhart: Question regarding sidewalk?

K. Burchard: There would be funds posted for that.

G. Frechette: I'm very pleased with the applicant addressing the odor concerns. The only thing I will comment – can't believe staff didn't notice that it was emanating. Wondering if going forward we should have a monitoring program for this. Through the years, there has been some lapse. Pleased with progress. Question on façade facing Tanner Street. Go over that again? Adding texture to building to break that up a bit?

K. Burchard: It's an insulated covering. Proposed way of addressing that. The elevation that faces the road I believe is right here – south elevation. Pattern and general color scheme along Tanner Street. Main entry here with brick coloring. Earlier there had been a discussion to have art on the wall. Better to have broad geometric pattern.

G. Frechette: Change in texture or just paint?

K. Burchard: Change in texture. Has the appearance of a stucco. Definitely going to change up texture of that wall.

G. Frechette: I understand Conservation approved the project. They were ok with the drainage?

K. Burchard: Stormwater team had further discussions. The Conservation Commission was happy with that. The stormwater team saw limitations this unique site has and didn't insist on additional stormwater recharge. They agreed to the removal of additional pollutants.

C. Cheng: I appreciate the sidewalk and façade contributions which will improve Tanner Street side of property. What are the planting plans?

K. Burchard: It would only be grass; that is what is proposed.

C. Cheng: I concur with GF's comment about odor. On a positive note, improvement can be made quickly and older concerns were addressed quickly. I would be in support of monitoring plans that have to be objective and done periodically. Things have a life span, I think that ought to be addressed. Maybe 3-5 year span is realistic.

T. Linnehan: I wanted to comment on the odor. Didn't smell it this morning. Went around the building thoroughly. Could not smell any of the odor. Big improvement.

G. Frechette: Amount for sidewalk?

N. Vance: Not determined yet, shouldn't be hard to come up with that dollar amount.

G. Frechette: Periodic review and report to DPD regarding current odor mitigation. Not sure of the time frame. Existence in perpetuity of the building. Don't know appropriateness of the time frame. Something that could be worked out with DPD. Amenable to that?

K. Burchard: Yes, could work with DPD regarding a time frame.

B. Mayerson: It would be nice to think that if after some number of time period – say a year, if there hasn't been an issue, is there a way to set a sunset. If it's working and we know it's working, there is a cost involved with doing that. I think it would be fair to have some kind of sunset if there isn't an issue.

G. Frechette: I know people who live around there and who have complained about it for years. I'm just surprised that it got to that point with no policing. Would like to have something in place moving forward. You're one of the first ones that went in without zoning in place. Obviously, a unique situation.

C. Cheng: Regarding sunset, I would think that the monitoring is better to be done in a certain time frame. It seems like the system deteriorated over its lifetime. If we monitor, I would think it would be ok for a year. The problem is that over time with weather would degrade. Have someone come in, do a study, chart with color, straightforward way. Cost would be limited given that it would happen only once in a while.

S. Gallivan: In the odor report they mentioned they would include in its quarterly maintenance plan. Was in their report.

Motion:

G. Frechette made a motion to APPROVE the Site Plan pursuant to Section 11.4.2. R. Lockhart seconded the motion with these conditions:

1. The applicant must post an escrow amount determined by the City of Lowell to construct the sidewalks along Tanner Street as proposed in the site plan dated July 15, 2020 prepared by GPR, Inc.; and

2. The applicant must work with DPD on developing an odor mitigation monitoring program that addresses aging systems associated with odor mitigation.

The motion passed unanimously, (5-0).

III. New Business

Site Plan Review & Special Permit: 1201 Westford Street 01851

Full Harvest Moonz, Inc. is seeking Site Plan Review and Special Permit approval to open a recreational marijuana dispensary at 1201 Westford Street, Ste. G1-A. The property is in the Office Park (OP) zoning district and the use requires Site Plan Review approval under Section 11.4.2(8), Special Permit approval under Section 12.4.o, and any other relief required of the Lowell Zoning Ordinance.

On Behalf:

George Theodorou, Applicant's Attorney
Joseph Giannino, Applicant, Representative
John Caveney, Applicant's Architect
Mike Allen, Security Consultant
Matt Hamor, Landplex
Kent Cram, Bayside Engineering

G. Theodorou: We were interviewed and vetted for over 2 years. Majority female organization. Demonstrated sufficient capital and expertise to run the operation. Selected and given opportunity to execute host community agreement. Presented application.

J. Giannino: As a former city councilor in Revere, I can appreciate these long meetings and the fact that you want to hear the nuts and bolts that do matter. We are asking for a 5 year license to operate. I think that's important to recognize. A lot of safeguards are built into this. We are bringing education, holistic approach. Janet is very passionate about the medicinal benefits.

J. Caveney: Screen shares to show video we created with Harvest Moonz. This is the property at 1201 Westford Street. Taking the whole first floor. Worked hard to make sure this was an accurate representation of what they would build. Maintaining same entry and exits. Big waiting area. Intent is that no people would be inside. Public facing side. We worked hard with the team to create a warm, inviting contemporary space. We worked hard to make an accurate representation. Wanted to make it a high quality space. Want to reiterate what George said. Entrance is large.

M. Allen: I have a lot of material to cover but I'll try to be brief. Former police chief. Since retiring, have been working as a consultant in the cannabis industry. Have been involved in security planning for dispensaries and cultivators. Presents the security plan. There will always be unarmed on-site security personnel. Planning to have detail offices from LPD for opening to ensure we have adequate security coverage. Electronic ID scanners in addition to visual inspection of ID. Security cameras one of the most important things the Cannabis Commission focuses on. System is state of the art, has analytics capabilities. Can distinguish between people, animals, weapons. Those are things that if we were to have an unfortunate incident, can do searches of footage. Important to police department and our security measures. LPD has ability to connect to our surveillance system at any time.

M. Hamor: Site is a 50x100ft footprint with a front entrance area. Property is approximately 1 acre in size. 21 parking spaces would be required for the first floor, 13 for second floor. Site currently has 51 parking spaces.

K. Cram: Have been brought in to help permit this facility. Have done several of these throughout Northeastern MA and Nitsch Engineering did the original traffic study. Did a 7 year planning horizon. What we have here is a graphic area of the metropolitan area around the City of Lowell. In general, there will be within the next two years fourteen dispensaries in this general area. When the first dispensary opened there was traffic and issues. People will have more choices on where to go to buy their product. Over time, as more opened up, the demand leveled out. That's what we expect to happen here.

Speaking in Favor:

None

Speaking in Opposition:

Jeff Brown, Princeton Properties Corporate Counsel: Our properties about this development. Princeton not opposing due to being close to marijuana industry. We think having this will be impactful. It has to do primarily with 1) parking issue and 2) traffic impacts. I have reviewed all the materials submitted to the Board. Some figures have changed. Application is for special permit or site plan review. Has this project at 1,450 sq. ft. The parking requirement is based upon that. Now I'm hearing tonight that its 4,000 sq. ft. Would like to note that for the record. Nothing else addresses odor control like you just went through extensively with other application. See this as problematic. As I mentioned, of concern to us is parking. 51 spaces. Several set aside for other uses, employees working shifts. That leaves 20 spaces available for customers. That's legitimately what they have. If you read their reports, one report says during peak hours they need 22 spaces. Others they say they need 23 spaces. Traffic reports up to 51 vehicle trips into the property. I just don't see how the parking works. Based upon assumption that customers in building for 15 minutes, if they stay in there, queuing is longer. To the extent parking isn't completely captured on-site, that impacts us. I don't know what more to say about it. The figures just don't add up. Congestion and traffic is a critical issue. Unaccounted for parking is a critical issue to us. If you look at the traffic analysis, they have a queuing schedule, at peak hours, they are adding 144 seconds of delay for every single vehicle at that intersection that backs up past our building. Similar backups coming into Wood Street. I think the meeting should be continued until the inconsistencies can be wrapped up. Impacts are significant and should be recognized.

Erin Bradley, Resident of Carlton Place Apartments

E. Bradley: I have lived in this apartment for 6+ years. It's a neighborhood. There's our complex and one next door. We are a community. This is our home. Carl Street is awful. There are spaces where you can't fit two cars next to each other. I would recommend the Board go out and sit on the street. I recommend everybody take a look at what's happening in this neighborhood. The parking lot is not big enough for a facility like this. I just wanted the Board to know that residents live in this neighborhood and that this will impact us.

Robin Altman, Resident of Carlton Place Apartments

R. Altman: Totally against this due to traffic issues. Adding traffic of a dispensary would only impact street further. Ambulances would have difficulty passing through. Worried where traffic and parking would overflow to. That is where we as residents use street to park on. This is my home, I've been here for 5 years, not happy with comment that it's not a single family home neighborhood. I do oppose the location of this dispensary.

George Lasert, Adjacent Property Owner

Clients leaving dance studio toward Rourke Bridge - took clients 45-50 minutes just getting there. Application said on the first floor, then I heard both first floor and bottom floor. I'm totally with Jeff. Carl Street is a 2 lane street but more like an alleyway. It's just not right.

Discussion:

R. Lockhart: I think Mr. Brown brings up very legitimate points. References JA memo and comments from City's Transportation Engineer. Reads comments from traffic engineer. Info is such that, need some more clarification regarding that.

G. Frechette: Similar to R. Lockhart comments. We received Jeffrey Durk's memo today, there are some inconsistencies. Parking that I noticed on Carl Street, is that related to Princeton Properties?

J. Brown: Explains parking layout.

G. Frechette: Would like more time for City's Transportation Engineer to review. I think it was a bit disjointed the way the material was presented.

C. Cheng: I wish to ask the City Engineer whether there were any plans for the City to improve intersection with Technology Drive. I understand parking is making that narrower. What's her perspective with traffic flow and parking in that area?

N. Vance: There were some inconsistencies. It was hard to tell. As far as I know, The City has no planned improvements. Would note that it is a very congested area. Difficult to turn left out of Technology Drive.

C. Cheng: Are there plans to improve the screening around dumpsters?

G. Theodorou: We can enhance screening around the dumpster. We are leasing but I'm sure we could get permission to do that.

C. Cheng: Waste from retail?

G. Theodorou: No waste. Illegal to throw product out. Any product not sold would be returned to a supplier. It is never thrown out.

R. Malavich: I think the applicant should further define what is going on there.

T. Linnehan: I know the applicant didn't outline odor control in the facility. But I still think there should still be some presentation on that.

G. Theodorou: I think we did respond to comments from DPD and submitted those.

C. Cheng: Want to remind about Haverhill model and whether applicable to this project (appointment only). Also, please think about alternative transportation models.

Motion:

R. Lockhart motioned and R. Malavich seconded the motion to continue the petition to the August 17 meeting. The motion passed unanimously, (5-0).

Site Plan Review & Special Permit: 671-683 Rogers Street 01852

Pure Lowell, Inc. is seeking Site Plan Review and Special Permit approval to open a recreational marijuana dispensary at 671-683 Rogers Street. The property is in the Regional Retail (RR) zoning district and the use requires Site Plan Review approval under Section 11.4.2(8), Special Permit approval under Section 12.4.o, and any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Joe Clermont, Applicant's Attorney
Todd Brady, the Applicant
David Udelsman, Architect
Ken Cram, Bayside Engineering

Bree Sullivan, Bayside Engineering

J. Clermont: The applicant is in agreement to purchase two properties. Subject to successful permitting of this project. Lot would be combined into attractive retail building. DPD provided us with comments and suggestions. The applicant agrees with the comments and has been able to submit most of this back to DPD. Noted that conservation has approved the project. LFD has approved, solid waste and recycling has approved, LPD has not yet approved. Request that it would be subject to LPD approval. Mature trees to be noted. Lot complies with landscape open space requirements. COVID plan has been submitted to DPD. App has agreed to add sidewalk. Add bike storage to plan, rideshare parking. Parking appears more than sufficient. Snow storage has been shown on the plan.

T. Brady: We have been issued a Host Community Agreement. Our team is very experienced in regulated markets. Broad experience in recreational marijuana. Own a facility in Colorado. Own a restaurant in Boston. Work with the City to minimize traffic impacts. Odor mitigation plan.

D. Udelsman: Presents floor plans and elevations.

K. Cram: Bree prepared site plans and I supervised the traffic study for this site. Presents traffic study. Initially would be appointment only. 20 cars going in and 20 going out in peak hours. Eventually we will go to walk in. Numbers could jump a little bit. LRTA has routes that go along this street. Opportunity for employees and customers to use the LRTA, but took no reduction in traffic counts.

Bree Sullivan: Have gone through permitting with Conservation. Few changes due to comments from DPD. Comments were reviewed by Joe – sidewalk and the bike rack and the Uber/Lyft parking. Besides that we can see the site here has generally a one way flow to the site. Flow of traffic is counterclockwise. Exit is right turn only. Going to be signage. Developed site plan such that no increase in discharge off the site. Currently it's a double multifamily lot. Water and sewer loads will be slightly less than they are currently. The landscape plan also meets the standards that are set forth in zoning regulations and site plan requirements for a facility of this type.

J. Clermont: We believe the site plan has met all the criteria for a safe new business. Respectfully request approval.

Speaking in Favor:

None

Speaking in Opposition:

Peter Aucella, Belvidere Neighborhood Group: Good news, its improved. Bad news, vehicles entering would be needing to turn right at the point where Rogers Street merges from two lanes to one lane. You either get people who don't know how to merge or who bully through with aggressive driving. Turning at that location, you've got a recipe for disaster. I had suggested that maybe a center turn lane could be carved out of the road. There might be enough room. I don't know if that would work. That would be better than people turning on the single lane. I think that's the most serious issue for that project.

Jim Heller, 54 Parkview Ave: I agree with Peter. Couple of questions. For parking – how many employees are anticipated? 28 spaces with the turnover of people. 55 people would get processed an hour. Again, I think everybody knows somebody that has been involved in an accident in this location. I would ask that some time of independent review is taken for traffic flow.

Richard Coffee, 331 Parkview Avenue: Horrible traffic situation. Has to be a lot more work on traffic patterns in this location.

Discussion:

Note: C. Cheng recused himself from this petition.

K. Cram: The aisles have been designed for two way traffic flow. We have run auto-turn. That vehicle can circulate through the site. We are comfortable with the design. We have looked at the possibility of left turn lane. The narrowness of right of way, and two lanes going westbound merging into one lane. We recognize that as an issue people are concerned about. At the end of the day, this part of Rogers Street is under jurisdiction of MassDOT. The appointment-only model will allow us to monitor traffic levels. I like Mr. Heller's math. Anecdotally, people are finding a faster turnaround for purchase and sale. I've heard between 8-10 minutes.

RL: Police Department approval?

J. Statires: Yes we've talked to Deputy Golner about it. Haven't gotten his sign off yet. Have met with him in the past for approval for cultivation facility. Obviously, we haven't been able to meet in person and haven't gotten final sign off from him.

G. Frechette: Ingress and egress?

N. Vance: The state would ultimately decide whether appropriate for turn lane. I believe the applicant committed to work toward that, but MassDOT would have to approve it. I do understand the neighborhood's concerns. Pinch point where it narrows down. There is not a crash cluster here. I would note the MassDOT project next door should be an improvement for safety. The city does not have jurisdiction over this particular road.

G. Frechette: Have you worked with DPD on the materials for the building? I was surprised to see the architectural look of this building.

D. Udelsman: We are looking at a more modern building. Metal material for primary siding. Are willing to consider other option. Felt it was appropriate for retail use.

G. Frechette: N. Vance - do you think independent traffic review would be appropriate at this stage?

N. Vance: Seems that the applicant is willing to entertain adding the turn lane. The question is whether MassDOT is willing to add this. MassDOT will do a "review" of this location if that is proposed.

G. Frechette: I would prefer to get the results of MassDOT review of the project before making a decision.

R. Malavich: I would prefer to hear what MassDOT says about the curb cut and turning lane before I can make a decision.

G. Frechette: I would like to see a streetscape. Talk to DPD about alternative material for the building.

K. Cram: Doubtful that MassDOT could reply in four weeks' time.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to continue the hearing to the September 10, 2020 meeting. The motion passed unanimously, (5-0).

Public Shade Tree Removal Hearing: 50 Father Morrisette Blvd 01852

In accordance with MGL Ch. 87.5, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of 64 public shade trees, 3 of which are over 24" in diameter and 10 are unhealthy. The removal of these trees is required as part of the Lowell High School Construction Project.

On Behalf:

Christine Clancy, City of Lowell DPW Commissioner

Joseph Drown, Perkins Eastman

Ashley Iannuccilli, Traverse Landscape Architects

C. Clancy: There are actually eight unhealthy trees. Part of LHS project. Large construction project, four phases. First phase starting this fall. 7.42 acre site. New campus proposes 115 shade trees across the campus.

J. Drown: Presents the LHS project plans.

A. Iannuccilli: Trees along canal to be proposed during construction. All shade trees will be replaced by 1:1, trees greater than 24" will be replaced using a 2:1 ratio. Also aligning these better with new bridge orientation. Densification of street trees along Arcand Drive and Kirk Street. We think this will be a vast improvement. Ten or eleven trees along Kirk Street.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Kate Saunders, abutter: I know there are a number of trees with sculptures around them on Lucy Larcom Park. Are they going to be removed?

A. Iannuccilli: My understanding is they will not be removed and that sculptures will be protected.

K. Saunders: Are pin oaks native to Massachusetts?

A. Iannuccilli: Native to northeastern US, not specifically MA. They have a beautiful form, draping underbranch.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to APPROVE the request to remove public shade trees at 50 Father Morrisette Blvd per MGL Ch. 87.5. The motion passed unanimously, (5-0).

Public Shade Tree Removal Hearing: 815 Pawtucket Blvd 01854

In accordance with MGL Ch. 87.5, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of 12 public shade trees, 7 of which are over 24" in diameter and 3 are dead, which are located at the Lowell Water Department (815 Pawtucket Blvd). These trees are proposed for removal since these trees pose a risk to the power and internet feeds to the Water Department as well as other Water Department infrastructure and the general public safety in the vicinity of Pawtucket Blvd. The Water Department recently experienced site damage from a wind storm on May 15, 2020. This is a recommendation to remove the remaining pine and unhealthy trees on the Water Department's property adjacent to Pawtucket Blvd.

On Behalf:

C. Clancy, City of Lowell DPW Commissioner

Mark Young, City of Lowell Tree Foreman

C. Clancy: Summarized the application.

M. Young: Storm toppled six trees. Did extensive damage. Fortunate no one was killed. Trees crushed the shed. Also potential damage could be done if someone was walking on the Boulevard.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette: Quite a scene over there with the trees that toppled. Pretty bad storm that hit that corridor pretty heavy. Those trees were looking a little aged at this point. I think replacement would be a nice addition to that site. I'm in favor.

R. Malavich: I have no problem. Nice that they are putting back trees to replace the loss.

S. Gallivan: I'm appreciative of the 2-1 ratio for tree replacement that you're using to replace the trees on-site.

R. Pandres: Is the general placement going to be roughly the same area they were lost?

M. Young: Yes, in that grove they will be in that same area.

Motion:

R. Lockhart motioned and R. Malavich seconded the motion to APPROVE the request to remove public shade trees at 815 Pawtucket Boulevard per MGL Ch. 87.5. The motion passed unanimously, (5-0).

IV. Other Business

Extension Request: 110 Industrial Ave 01851

The applicant for 110 Industrial Ave has submitted a request for a 2-year extension to their Site Plan Review approval that would otherwise expire on July 19, 2020.

On Behalf:

Brian Milisci, Whitman & Bingham Associates

B. Milisci: Asking for two years to get things moving along.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Motion:

T. Linnehan motioned and R. Malavich seconded the motion to APPROVE the two-year extension to their Site Plan Review approval. The motion passed unanimously, (5-0).

Minor Modification: 2 Prince Ave, 1 Markley Way 01852

The applicant is seeking a minor modification to the previously approved Site Plan for the data center at 2 Prince Ave, 1 Markley Way. The applicant is seeking permission to install two, 35-ft. tall water tanks.

On Behalf:

George Theodorou, Applicant's Attorney
Theo Kindermans, Senior Principal with Stantec consulting
George Eliades, Applicant's Consultant

G Theodorou: We are seeking a modification of a previously approved site plan. Asking that we are able to install one water tank. The Carter Street side is where the water source exists. Water tanks are needed to support this facility for air conditioning and heating/cooling systems. Approved 5 years ago. This was the old Prince Spaghetti plant. They improved and placed this data storage at the site. Extremely sophisticated. With that being said, would like to have Theo Kindermans go through what he plans to do and how he plans to do this.

T. Kindermans: Starts screen sharing. We had our original approval of the site plan done in 2015. Had some adjustments that were made. This is the approved site plan as you have it on file. Explains changes to site plan.

G. Eliades: I think it's important to show the property lines. I have 20 pages of notes. I think the important thing is to understand the big picture: 100 years ago, this was the Lowell bleachery site, a sweatshop, spewed smoke and terrible things around it. That continued on through the neighborhood until the bleachery closed in 1930, empty until 1939, Prince owned it and ran it in almost 60 years. Was a bustling industrial complex. The neighborhood all had to live through that. They left in 1997 and from 1997, the property became a hellhole for the city and neighbors, there was junk, it was dilapidated, drugs and prostitution even. Abandoned cars that the city had to deal with all the time. Markley group came in and told you exactly what they wanted to do. This stuff is all clean data storage information stuff. They cleaned it all up. Planted over 325 trees on this site. Just remarkable. Landscaped the whole site. They are going to beautify that area just like the rest of the area. They are so well known all over the country. I'm aware the abutters say this will be a terrible thing to look at from their houses. I want you to see the heavy line on the bottom – the property line for the Markley Company. The dotted line above that is the fence. There is even an ancient car – all of that is actually on Markley property. That building to me right now – concrete with no windows – is incredibly depressing. Looks like a penitentiary almost. Going to fix this entire area, build a big wall on the lawn just like they have in the rest of the place. Need to have the water – that's where the city water source is. Need it to work on the building. In an effort to help the neighbors, they said to picture 35 trees that would be blocking the tank. They are moving towers from one place to another. Not introducing for the first time. Moving to this part of the property. We should be proud that biggest companies in America are storing their data in Lowell Massachusetts. It's a very simple project. I don't see why we can't do this.

Speaking in Favor:

None

Speaking in Opposition:

Eileen Castle, 64 Otis Street

E. Castle: I'm here to oppose them. Since the beginning of Markley buying the building, have attended several meetings. I understand what the gentleman spoke about. Fence went up 50 years ago when Prince owned the property. My family has been there almost 100 years. Would like to speak to what the gentleman did say. Parents bought this house from the bleachery. Although Prince had trucks, they never came near my area.

Nothing there that they could come near. Nothing was a problem. Never saw any cars, remnants. My children played in that yard. Now, it sounds something like a dump place. Didn't have prostitutes there. Sacred Heart people fought to get this straightened out. In June, I reached out to Building Inspector who reached out to Markley about plans. Cleaning up upper level. Landscaping to be taken care of. Continued working and made significant changes. Unauthorized work. The only reason they submitted it is because I informed the City this was going on. Markley has promised a neighborhood feel. As a matter of fact, it was part of the approval process from the beginning. They have taken down all trees and removed all soil. I would love to invite you to come to my yard to see what this corporation has done. In the Planning Board, they have missed the mark as far as I'm concerned.

Discussion:

R. Malavich: What is Markley going to do about the differential in property line and the fence?

G. Eliades: Don't think reclaiming property is an issue. They want to be the good neighbor. Have shown that, contrary to what Ms. Castle said. Intend to build brand new wall. In that time they will also build the fence.

R. Lockhart: Are these two water towers located somewhere else on the plan that we approved? Change is a relocation to this corner?

G. Eliades: Yes. The reason being, they were thinking of building another new building, the dark one in the shade. They have decided that they would prefer to go into the original Prince Spaghetti building, would try to clean out. In order to air condition the building, they need the water towers.

G. Frechette: Walked through the site when it was empty. I certainly understand from Ms. Castle's point of view in the sense that there were numerous meetings on the project. Extensive meetings, in the newspaper, and as far as you know nothing is happening in the corner. I understand from that perspective. To your point Mr. Eliades, there's no question that that's a tough view as it sits, and it has been. The towers might help break up the view. Do we know actually how much of the tower is going to be exposed above the retaining wall?

G. Eliades: I think, based on what DF said, he thought 20-25 range.

G. Frechette: I would like the engineer to give us an actual number.

T. Kindermans: About 19-20 feet above the wall. That would still be quite a bit lower than the existing concrete building.

G. Frechette: But concrete building is further away. You could throw rocks off the tank. Do we know the distance of the tank to the property line?

T. Kindermans: At its closest, 21 feet to property line. Fence is actually closer to the tank.

G. Frechette: That's pretty significant. I'm assuming this isn't going to make any noise. Nobody disputes how great this business is. I just want to understand how – is there any sound emanating from the tank?

T. Kindermans: No sound. We are pretty comfortable – although they are big, they have no noise. Almost screens them along the property.

G. Frechette: I can't imagine anyone would be happy looking at that from their backyard. I am looking for some kind of screening to screen the towers – they are so close. Big difference between unsightly building 83 ft away and a tower 20 feet away. Don't know how anybody can dispute that. Don't think this will screen it properly. I think there's a way that we can screen this that would work for everybody. Don't think were there yet.

R. Lockhart: Perhaps providing a rendering of these tanks relative to ground level and evaluation of screening options.

C. Cheng: I want to make the point that I understand the abutter's concerns. I understand the current excavation is not spelled out in previous plan. That's one area I agree with the neighbor. The minor modification has arrived a little late. Wanted to make that note. Secondly, want to ask the engineer whether other locations have been explored or whether tanks can be lowered further into the ground. In light of the neighbor's concerns.

T. Kindermans: Couple reasons we want to be in this location. There is a major water line.

C. Cheng: I also want to point out that though you are building one at a time, you should treat it like both are being installed since both will eventually be installed. Would the corner between building one and two work as an alternative location?

T. Kindermans: There is a large retaining wall. From pumping situation, would not be a good place.

C. Cheng: I concur with G. Frechette. If that's the location, I hope to find a screening solution.

S. Gallivan: What is the construction schedule? When would landscape be complete?

L. Kindermans: If we received approval, would finish first tank by the end of 2020. Would like to get that done by the end of this year. Would like to get this whole corner of the site done by 2020.

S. Gallivan: Does that mean landscape wouldn't be done before the springtime?

L. Kindermans: Wouldn't want to put something in that would die, but if we could we would put it in this year.

S. Gallivan: When you are adding trees, consider something that would be year-round. Wanted to add that final comment.

E. Castle: Not sure I have a question. My property line is still the fence. If I have to go to court, I'll go to court. I've got to the point that I don't believe anything. The City of Lowell has agreed to it. They are doing it again. We never seem to get it right. I was told by the architect on the property. Went over to edge of property, 15 feet from my house. Every time I go to the meeting, someone comes up with something new.

G. Eliades: The five feet are not your property. Just because there's a fence there, doesn't mean it's your property. You are seeing a survey based on deeds. I am willing to make every effort to screen this to the satisfaction of the abutters. Concerned because I think that if we talk about an 8 foot high tree, maybe we have to put different types of trees at certain points along the way. The 75 years Castle has lived there, she looked at a pretty god awful cement building.

T. Linnehan: Obviously, for this minor modification, we have been talking for 45 minutes. I would recommend that the applicant comes in with a site plan modification. Have been going around in circles. Up to the applicant when they want to put the application forward. Need a vote on minor modification, or just come back?

G. Eliades: Sure, just withdraw and come back.

T. Linnehan: Screening, height of water tower, balloons to show height. Different types of trees. Take it from there. We will get feedback from other departments. We can have some weigh ins from other departments. Would like to hear from other people.

G. Frechette: Not a minor modification, and they have to submit a site plan app?

T. Linnehan: Withdraw, then apply for site plan modification. Abutter notification.

G. Frechette: Will have to post for modified site plan?

T. Linnehan: Yes.

E. Castle: Does that mean they have to discontinue work?

T. Linnehan: They can dig dirt but not install towers.

Motion:

None

V. Notices

VI. Further Comments from Planning Board Members

G. Frechette said that there will be a meeting for the Rourke Bridge replacement project. Three proposals they are looking to move forward. State senator had put funding in place for the construction of the bridge. The timeline puts it within an attainable situation. Environmental review 18-24 months, and within five years have something happening. That's pretty quick in the lifetime of a bridge.

R. Lockhart said that the Historic Board has still not met. Have two public hearings August 10th.

G. Frechette motioned and C. Cheng seconded the motion to nominate S. Gallivan as their Community Preservation Committee representative. The motion passed unanimously, (5-0).

VII. Adjournment

G. Frechette motioned and R. Lockhart seconded the motion to adjourn the meeting. The time was 11:53 PM.