



# City of Lowell - Planning Board

---

## Planning Board Meeting Minutes

Monday August 17, 2020 6:30 p.m.

Conducted via Zoom

**Ntoe:** These minutes are not completed verbatim. For a recording of the meeting, visit [www.ltc.org](http://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 6:30pm.

### I. Minutes for Approval

July 20, 2020

G. Frechette motioned and R. Malavich seconded the motion to APPROVE the minutes from the July 20, 2020 Planning Board meeting. The motion passed unanimously, (5-0).

### II. Continued Business

#### **Site Plan Review and Special Permit: 1201 Westford Street 01851**

Full Harvest Moons, Inc. 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

G. Theodorou: We are requesting a continuance. Additional materials were submitted to the Board. Would like to request to continue to the September 10 meeting.

T. Linnehan: We would be willing to add a meeting on September 3. Board members are available that date. We want to avoid having a meeting run until midnight like on July 20.

G. Theodorou: Excellent idea. My client is available on September 3.

#### Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to continue the petition to the September 3, 2020 Planning Board meeting. The motion passed unanimously, (5-0).

III. **New Business**

**Public Shade Tree Removal Hearing: 179 Bridge Street 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 two (2) public shade trees, which are located on Bridge Street. The removal of these trees is required as part of the City's Merrimack River Phase 2 Project. These public shade trees have a DBH of 20" and are proposed for removal by the City's contractor, MAS Construction.

On Behalf:

C. Clancy, DPW Commissioner

C. Clancy: Tree removal is necessary for a City project. American Linden trees. First one is required to be removed for a transformer. Second one is an interference with an existing retaining wall that will be rebuilt as part of the project. Looking at both trees, they can't thrive there with the work going on. Did look to save trees but the wall needs to be repaired. Project will replace the trees using a 1:1 ratio with 3.5 caliper or greater trees. Project is just beginning. MAS Construction will be building the bridges. Would like to start removal in August or September. Project will continue until June 2021.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

T. Linnehan: Would be in support of the Riverwalk Project.

R. Lockhart: Nice project. Would want to approve.

B. Malavich: This is something that has to be done for the betterment of people in Lowell.

Motion:

R. Lockhart motioned and R. Malavich seconded the motion to approve the tree removal for 179 Bridge Street. The motion passed unanimously, (5-0).

**Public Shade Tree Removal Hearing: 70 Glenwood Road 01852**

In accordance with MGL 87.5, the Lowell Planning Board will hear a public hearing to hear all interested persons about the proposed removal of the public shade tree located on the sidewalk in front of 70 Glenwood Road. This tree removal is being requested by an adjacent resident to prevent further damage to the resident's sewer service. The resident has had toots removed from their sewer service multiple times.

On Behalf:

Christine Clancy, DPW Commissioner,  
Clairemarie Toohey, 70 Glenwood Road

C. Clancy: The tree removal has been requested by a resident, Ms. Toohey. Tree will continue to infiltrate the sewer pipe. It is unfortunate, it is a healthy American Linden Tree. We don't like to see them taken down, but it's over sewer service, lifting sidewalk, creating ADA inaccessibility. My recommendation is to remove it.

C. Toohey: I am requesting the tree removal. Has had to be cleaned out nine times. \$1500. Will continue to be a problem for me.

T. Linnehan: Tree covers the whole street. Not a nice situation.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Gallivan: When will trees be replanted in its place?

C. Clancy: Depends on budget. Most likely in spring.

G. Frechette: Is DPW looking where sewer lines are, so that they do not replant where they are located?

C. Clancy: Yes, and will look at the sidewalk width. Need at least 2 feet to fit a tree pit. Look at that for ADA accessibility.

G. Frechette: Trees add a lot to walkability and livability, but when you have resident that's being affected, that can't be tolerated. But it is a challenge. We're going to have challenges replacing trees within proximity.

R. Pandres: If the tree canopy is replaced, will there be replacement within the same neighborhood or elsewhere in the city?

C. Clancy: We should be able to put it back away from the sewer. 1:1 ratio. We try to put them in the same neighborhood. Sometimes we can't put it on the same street, but the goal is within the neighborhood.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to approve the tree removal for 70 Glenwood Road. The motion passed unanimously, (5-0).

**Site Plan Review: 61-69 Rock Street 01854**

Dean Jenkins is seeking Site Plan Review approval to construct six residential units at 61-69 Rock Street. The property is in the Urban Neighborhood Multi-Family (UMF) zoning district and the use requires Site Plan Review approval under Section 11.4.2 to construct more than three dwelling units on one lot and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Dean Jenkins, Applicant  
Ken Lania, Applicant's Representative

K. Lania: Proposing a 6 unit condominium. Vacant piece of land. Wiggins Ct entrance will just be for emergency access. Main drive aisle down the center. Parcel is 11,000 sq. ft. total. Would meet FAR requirements for structures. Proposing landscaping in the front yard of proposed buildings. Between the condo units, small islands to break up pavement. Each unit will be serviced by a two car garage. Two bedroom units, not three bedrooms. Utilities serviced with two utilities. Looking to develop one building at a time. Sewer and water will be brought on twice. Mr. Jenkins already received approval from Historic Board.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

*\*Note: Member Frechette recused himself from this petition\**

B. Malavich: Will you repave the sidewalk?

D. Jenkins: We would like to repave but leave existing granite curbing.

K. Lania: We did speak with the applicant as to what we will do with landscaping. Was brought up during Historic Board review. They are strict about landscaping. We would provide a plan for the front of structures prior to obtaining a building permit. Regarding the sidewalk concern, we are in agreement that it will be upgraded. Stormwater was reviewed by the stormwater review team and they found it satisfactory. Operations and maintenance manual as a condition of approval. Would become part of condo documents. No intent to apply for ZBA approval. Work with DPD to install patio or smaller deck, not going for 4 foot variance. Nice infill. Only two bedrooms, not exacerbate parking concerns. Keep open to gain access to units and not worry about getting onto street. Sufficient utilities on roadway. Would be a good fit for the neighborhood. The Historic Board approved the façade. Always a concern for townhouse developments. Hoping to obtain the same type of approval.

T. Linnehan: Privacy concerns?

K. Lania: Fine with moving trees along the side of the property. Would work with DPD to add shielding to add privacy.

D. Jenkins: There's some fencing there anyway.

K. Lania: Side fencing is in good shape.

T. Linnehan: Question on parking on page 4 of comments?

K. Lania: Building plans were completed after completing my site plan design. That architect showed three bedrooms, but it was only going to be 2 bedrooms. Miscommunication. Will be corrected prior to building permit. Parking will be sufficient.

D. Jenkins: Is there any room that would allow for an extra car?

K. Lania: There is no room. It is maxed out with the structure.

B. Malavich: Will you repave the sidewalk?

D. Jenkins: Will repave but leave existing granite curbing.

B. Malavich: You should ensure it meets with the City Engineer standards.

C. Cheng: I can understand why the applicant may not want to redo the sidewalk. I appreciate the applicant's response to staff comments.

S. Gallivan: As I was reviewing the application, I did not see elevations. It sounds like the Historic Board reviewed it.

R. Lockhart: We unanimously approved the project at the Historic Board meeting.

T. Linnehan: Is the Historic Board satisfied with renderings?

R. Lockhart: Yes. We were in full agreement on this project. I think it's a good project.

S. Gallivan: I would like to add to B. Malavich - I do think the sidewalks should be constructed to City standard to extent possible. Support that position.

R. Lockhart: Agree, they should be constructed to City standards.

R. Pandres: If the applicant is planning on removing the decks from the plans, how will that affect proposed condition #1, where the limit of pavement shall be the driveway and parking areas?

K. Lania: We would utilize landscaping blocks. Those are porous with sand in between. Ultimately it will remain porous.

C. Cheng: Is the deck important to the design with regards to Historic Board approval? Or not as important?

R. Lockhart: I really don't remember. Not an issue.

Motion:

C. Cheng motioned and R. Lockhart seconded the motion to approve the Site Plan Review application under Section 11.4.2 with these conditions:

1. The limit of pavement shall be the driveway and parking areas shown on the site plan dated June 22, 2020 prepared by Cornerstone Land Consultants, Inc.
2. Prior to applying for a building permit, the applicant shall submit a landscaping plan to DPD that details screening along the side yard lot lines, shrubs or bushes within the front yard setbacks, and new native trees with a caliper of at least 2.5 inches. The material of the patios shall also be pervious.
3. Prior to obtaining a Certificate of Occupancy, the applicant must reconstruct the sidewalk along their frontage on Rock Street to the City standards established by the Engineering Division.
4. Prior to submitting a building permit application, the applicant shall submit an Operations & Maintenance Plan for review and approval by the City's Stormwater Review Team that includes all structures related to the new stormwater systems. The applicant must incorporate this plan into the condominium documents for the townhouses.
5. Prior to submitting a building permit application, the applicant shall submit architectural plans to DPD that satisfy the side yard setback and parking requirements. If there are any changes to the parking requirements, the applicant shall return to the Planning Board for a minor modification to their Site Plan Review approval.

The motion passed unanimously (5-0), with G. Frechette abstaining from the vote.

**Special Permit: 414 Broadway Street, 51-55 Willie Street 01854**

Ryan Rourke is seeking Special Permit approval to convert 414 Broadway Street into a three-family home and construct three townhouses at 51-55 Willie Street. The properties are in the Urban Mixed Use (UMU) zoning district and the use requires Special Permit approval under Section 12.1.c and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Kevin Murphy, Applicant's Attorney

K. Murphy: Unfortunately, we had an issue with the signage announcing this meeting. Even though all the abutters have been notified, the sign requirements under the zoning bylaws was not complied with. We are asking to continue this hearing to another date to comply with the signage requirements and make sure that we comply with the zoning bylaws. Secondly, K. Lania hasn't been able to update plan to incorporate conditions that Board of Appeals instituted. We are asking to continue this meeting to next available date to comply with sign requirements and provide the Board with an updated plan incorporating the conditions from the ZBA meeting.

Speaking in Favor:

None

Speaking in Opposition:

John Tsoumas, 62 Willie Street

Anibal Fontanez, 58 Willie Street: Did this petition get approved by the Historic Board?

T. Linnehan: Yes, and you can contact Steve Stowell, the Historic Board Administrator, with questions about that meeting.

Discussion:

None

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to continue the petition to the September 3, 2020 Planning Board meeting. The motion passed unanimously, (5-0).

**IV. Other Business**

**Vote to Re-Open 113 Walker Street Public Hearing: Site Plan Review and Special Permit**

The Planning Board Members shall vote to reopen the public hearing for a Site Plan Review and Special Permit application at the subject property at 113 Walker Street. A question has been raised by the abutters/interested parties that they did not have adequate notice of the platform change to ZOOM for the July 20, 2020 meeting since prior meetings with respect to this application used a different participation platform.

T. Linnehan read the summary of the agenda item and said that the City's Law Department has given a new decision indicating that since the Planning Board has heard and filed decision with the Clerk, the Planning Board has no jurisdiction to entertain the matter. Therefore, the matter will not be discussed tonight due to lack of jurisdiction.

**V. Notices**

## **VI. Further Comments from Planning Board Members**

The Planning Board members expressed interest in increasing the tree replacement requirement for public shade trees, since Lowell's Tree Ordinance falls behind other communities with regards to tree replacement. They asked that DPD staff create a draft of the proposed revisions and send the draft to the Planning Board Members for their review.

R. Lockhart said that the Historic Board approved the Broadway Street project and Rock Street project.

## **VII. Adjournment**

G. Frechette motioned and R. Lockhart seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 7:54 PM.