



MEMORANDUM

Diane N. Tradd
Assistant City Manager/DPD Director

TO: Eileen Donoghue, City Manager *EMD*
Diane Tradd, Asst. City Manager/DPD Director

R. Eric Slagle
Director of Development Services

FROM: R. Eric Slagle, Director of Development Services

David Fuller
Building Commissioner

RE: MOTION BY COUNCILOR LEAHY AND COUNCILOR ELLIOTT - REQ. CITY MGR. PROVIDE A REPORT REGARDING THE STATUS OF THE DEVELOPMENT ON ELLIS AVENUE AND IN ADDITION PROVIDE THE PROCESS ON HOW COUNCIL IS INFORMED OF THE ACTIONS OF THE VARIOUS REGULATORY BOARDS IN THE CITY

This memorandum addresses the request from Councilors Leahy and Elliott regarding the status of two projects on Ellis Avenue, as well as the notification to the Council and the public at large of the items before the Zoning Board, Planning Board and Conservation Commission.

55-61 Ellis Ave. - This project involves a two-family structure constructed on a property in the Traditional Two-Family District (TTF) with approximately 8,500 square feet. The TTF District requires 4,000 square feet per dwelling unit for two-family structures. The project was reviewed by both Planning and Building Staff when the building permit application was submitted in February of 2018. This is a two-family district, so a duplex is allowed by right. Under the State Building Code, this property does qualify as a single structure with two units. The lot on which the structure is constructed is large enough so that the developer did not need any relief to construct the building, and they have sufficient space to construct compliant, off-street parking for the 2 units. Planning Staff and the Building Commissioner are in agreement about this interpretation.

41 Ellis Ave. - This property was purchased at auction from the City in November of 2017. The auction documents indicated that if the new owner wanted to demolish the structure and rebuild it, they could apply for a special permit from the Board. If a special permit was not obtained, the owner would be required to obtain variances to build a new structure on the property. A demolition permit was issued to the new property owner in May of 2018. On June 11, 2018, the owner applied for a building permit to construct a new duplex, which was denied on June 13 for failure to obtain ZBA approval. On or about June 19, 2018, staff was informed that the owner had begun construction without the benefit of a building permit. At that time, a stop work order was issued on the property, and the owner was instructed to file for required relief with the ZBA for the construction of a structure on the property. The case is currently before the ZBA, having been continued several times.

Development Services staff takes several steps to ensure that both the Council and the public at large are notified of projects that are before one of our land use boards (Zoning Board of Appeals, Planning Board, and Conservation Commission). First and foremost, all projects are noticed as required by statute, with notice being posted on the notice board at City Hall, notice appears in the Lowell Sun, and notice is mailed to the statutory abutters within 300 feet. Secondly, staff emails out a copy of all board agendas to a list serve that includes the Mayor's Office, all neighborhood groups, and any other interested individual who has requested these notices. All Council members have been added to this list, and will begin receiving these messages going forward. All board meetings are open to the public and are typically shown on LTC, barring a conflict. Finally, all projects that are under review with the land use boards, including both documents from the applicant and comments from City staff, are posted on the City website at the following link:

<https://www.lowellma.gov/668/Projects-Under-Review>

As always, staff is available to answer any questions regarding the various projects from any Councilor or member of the public. As I'm sure the Council agrees, the time to be notified of projects before the boards is prior to the public hearings, so that both Councilors and the public can participate in the hearing process if they choose to. Decisions, once final, are filed with the City Clerk's Office as required by statute.

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10/31/2018