



# City of Lowell - Planning Board

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## Planning Board Meeting Minutes

Monday, February 3, 2020 6:30 p.m.

City Council Chambers, 2<sup>nd</sup> Floor, City Hall  
City of Lowell, 375 Merrimack St, Lowell, MA

**Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell.**

### Members Present

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

### Members Absent

None

### Others Present

Francesca Cigliano, Assistant Planner

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A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:33pm.

## I. Minutes for Approval

January 23, 2020

G. Frechette motioned and C. Cheng seconded the motion to approve the minutes from the January 23, 2020 meeting. The motion passed unanimously, (5-0).

## II. Continued Business

### **Special Permit and Site Plan Review: 51 Payne Street 01851**

An application was submitted by Kevin J. Murphy, Esq. on behalf of El Camino Realty Trust for Special Permit and Site Plan Review approval to construct a 41-space parking lot on the vacant lot at 51 Payne Street. The property is in the Traditional Neighborhood Mixed-Use (TMU) zoning district and requires Special Permit approval under Section 12.6.g for the use, Site Plan Review under Section 11.4.2(3) to construct a parking lot with more than 14 spaces, and for any other relief required of the Lowell Zoning Ordinance.

#### On behalf:

Kevin J Murphy, Attorney for Applicant.

#### Offered Comments:

K. Murphy: Have been operating for close to 40 years. A truck and auto part recycling business. Buy trucks and recycle auto parts and sell on open market. Acquired tax title property, lot. Since then they have expended another \$8,000 to clean up the lot. Trailer, weeds, a bunch of things. Since that time they have expended \$62,000 on that lot. Constructed a chain link fence, graded the lot so that it is plowable. Expended money on retaining wall on back of lot so that there is no erosion coming from their property. We would like to get a Special Permit to construct a 41-spot

parking lot across from School Street Auto Parts. There are a lot of car repair shops along Payne Street, the problem is that auto shops put their cars out on Payne Street. It really clogs the street. If you talk to building inspector Nocco, he has had to go there a number of times. Especially acute problem in winter when you have to plow Payne Street. My client would like to get a Special Permit to develop a 41-space parking lot. They need spaces in this lot to park their vehicles that they are buying and recycling. They would also like to lease some of these spaces to those other entrepreneurs so that they can take cars they are parking sometimes illegally on Payne Street and put them in this parking lot. Jared Alves has been tremendous to deal with, he thought we had to pave this entire lot, half is asphalt, half is gravel. The side with gravel will not have runoff. So that's the basic reason for doing this request is to do the 41 space parking lot to accommodate parking needs of my client and the parking needs of people along Payne Street which will help parking in the Highlands neighborhood. Addressing comments from the 29<sup>th</sup>. First of all, staff no longer conditioning approval on constructing new sidewalk. Second thing is, two years ago, clients expended \$13,000 to construct chain link fence. As part of their purchase and sales agreement, there were conditions they had to fulfill. They had to construct a 6 foot high fence along the abutting parcel. They are going to do that. We just think it would be onerous to require them to do that vinyl fence since they have already expended \$13,000. We are asking that that condition not be instituted in the approval. Mr. Alves also says that the parking surface should be in a state of good repair, weeding and repairing. The parking lot is in sufficient state to accommodate parking. Any suggestions on how to improve, we would do what the Planning Board says we should. As far as swapping handicapped parking spaces, we agree that we will swap those parking spaces. As far as the stormwater management plan, the applicant submitted on Thursday or Friday to J. Alves and we will comply to those conditions. And as far as giving access to the LFD, that's a given. We will give them a key to the fence and any other conditions. Again we have told you that we want to use parking lot for ourselves and neighborhood. It's been terrific dealing with the city on this issue. We are asking you to allow us a Special Permit to construct 41 space parking lot without having to repave entire lot or add a vinyl fence.

Ronald Belly, 410 School St: These two pictures represent what the lot looked like prior to doing any work.

K. Murphy: We will give LFD access with a key if they need it.

B. Malavich: Paved lot going to be marked with spaces. Unpaved lot, used for moving cars in and out?

K. Murphy: Correct. Difficult to stripe gravel.

In Favor:

None

In Opposition:

None

Discussion:

G. Frechette: Just for clarification, Section 6.1.7. Reads section. So I think the big thing is make sure there's not an issue with dust. The lot has improved considerably since the petitioner purchased the lot. Difficult to screen it because residential units are above it looking down, challenge to screen it. From that perspective, I think it's an improvement. Fence is in good condition, provides for privacy and security. Touched based on most other issues and concerns. You would update plan for parking as well. Only other thing, it is industrial use in the TMU zone. Would allow other business owners to park in lease agreement. What's the nature? There are some uses the Board doesn't have the authority to grant. Storing towed vehicles, auto sales, dismantling can't exceed fence.

K. Murphy: No, these cars are waiting to be repaired. Will be parking, not doing any work. Not recycling auto parts on this lot. Just station to park car, get it off street, when it's ready to be repaired you can come get it.

G. Frechette: Industrial use taking place in TMU zone.

K. Murphy: We will just be placing them there until they are ready.

R. Lockhart: Comment, based on testimony, I think this project will help clean it up. Will be good for the area. That's all.

B. Malavich: I agree with R. Lockhart. Cleaning up that area. Having travelled there, looks better than it was a year ago or two. Good use of that piece of land.

C. Cheng: For the area around trees, landscaped for each parking stalls – are they going to be planters or landscaping on the grass?

R. Belly: Not sure exact square footage. 12% of entire lot instead of required 5.

S. Gallivan: I want to reiterate the comments of the other Board members, I think this is an improvement, appreciate the comments from DPD. Improvements will be good for the site.

Motion:

G. Frechette motioned and B. Malavich seconded the motion to GRANT the Special Permit under Section 12.6(g) with the following conditions:

- 1) The applicant shall submit a revised site plan to DPD addressing the handicapped parking spots perpendicular to Payne Street;
- 2) The applicant shall comply with all conditions in the stormwater management plan;
- 3) If the applicant chooses to lock the gate around the parking lot, the applicant shall provide the Lowell Fire Department with a key or access code to ensure that the Lowell Fire Department has access for emergency response;
- 4) The applicant shall comply with Section 6.1.7 relative to avoiding nuisances of dust, erosion, and excessive waterflow on public ways or adjacent properties, subject to approval by the City Engineer and Building Commissioner; and
- 5) The applicant shall comply with Section 12.6 with regards to permissible uses of the subject property.

The motion passed unanimously, (5-0).

R. Lockhart motioned and G. Frechette seconded the motion to GRANT the Site Plan under Section 11.4.2(3) with the same conditions as the Special Permit.

The motion passed unanimously, (5-0).

**Special Permit and Site Plan Review: 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 Multifamily (TMF) zoning district. The applicant proposes to demolish the two-family home, subdivide the lot and construct four (4) townhouses on Lot A, and five (5) townhouses on Lot B. The applicant is seeking a 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:

Matt Hamor, Applicant's Representative

Offered Comments:

M. Hamor: Presented the application. We submitted an ANR along with this application to formally subdivide parcel into two lots, Lot A and Lot B. Both lots conform to zoning for those two lots to be subdivided. Two separate applications before the Planning Board for Special Permit and Site Plan Review. On the agenda it says 9 unit

development. Two separate projects. Each project will be on different parcel. Lot A, two duplexes. It will be accessed by an access drive. Each unit will be serviced by three parking spaces. One in garage, two outside garage. Parking will be conformant for two separate duplexes. Has changed slightly. We incorporated comments provided at a meeting with DPD. Recommendations, added trees in front and along the lot line. Also added solid vinyl fence. Also decided to maintain a 10 foot no cut buffer zone to leave vegetation along rear to provide additional buffer to rear parking. Patios in back of rear units. Original plan, two separate walkways going up to front doors, reduced to one walkway. That walkway will be stamped concrete, different texture from paved walkway. Will work with DPD related to type and design of walkway and patios. We have renderings that we provided, this is coming down Walker Street, two units here with one walk coming up to duplex with two trees in front. Trees up along lot line to separate two project. Comment came at meeting was to add texture here with windows on side of buildings. Adding horizontal window, 5 ft. in height, this is where master bedroom is. Maintain some privacy. Adding to architectural drawings. Additional landscaping. Covered entranceway. Overhang cornices to building. When you come into the site, this is what you will see in Lot A for the two units. Separate entrances for each unit. This is the rear of the duplex in the back with the patios. As we discussed in preliminary review, wanted to make sure two projects wouldn't need variances. Wanting to add that to differentiate between the buildings, this building has bay window in the front, Lot B does not have that window treatment, has shutters. Different colors as well. Light gray and brown. This is front of Lot B on the right, this is the rear front of triplex in the back with individual garages. Trying to mix up the look of the buildings themselves. We felt it would be better to have more trees, landscaping. There's a lot of green shown on plan, full compliance with usable open space required for this district. Briefly run through utilities. Full compliance with stormwater. Infiltration systems here and here, fully infiltrate all runoff for development. Improvement to runoff going onto Walker Street right now. Individual gas, water, and sewer connections for each unit itself. Will meet with every department. We will meet with water department to go over that. Have done soil testing throughout the site, great sandy soils, infiltration systems will work very effectively. Had a comment from fire department. If need be we could put another fire hydrant if they felt distance is too far away. Will directly address with fire department.

In favor:

None

In opposition:

Dave Oullette, Acre Neighborhood Group Action, 113 Cabot Street: Throw some view points out, distraction from zoning? Plan shows each has three, stacked parking is cumbersome. Fire lanes never to be parked on. 27 bedrooms. Could be four bedroom house. Easy to add more beds. Very busy cut through street. Mistake on plan, not 40 feet, no parking on odd side of street because so tight. Street is tight for emergency vehicles. Special Permits are discretionary, no vested interest in our neighborhood. Most families here tonight are second generation owners. Grew up as children and now own. This is our Acre. Project is too dense, on paper might meet hardship. Would add undue hardship.

Tanya Kenney, 800 Broadway Street: Absolutely agree, traffic is insane right now, additional 27+ cars. Bumper to bumper traffic.

Robert Sheehan, 73 Freda Lane: 6 units to 9 units not feasible, thank you.

Discussion:

R. Lockhart: Some questions, keep referring to project. Too much for one lot. LFD comments.

M. Hamor: Will meet with LFD. Adding fire lane, signage, add hydrant also. Go and meet with Fire Chief to discuss those items. All going to be owner-occupied townhouses. Not to be catered toward university.

B. Malavich: How do you guarantee that?

M. Hamor: How does city look at rentals. Whether someone with duplex can rent out legally. For someone wanting to own a house.

B. Malavich: You can own a house and not live there.

M. Hamor: Look into provisions to address that.

B. Malavich: Have an issue with 9 units on that property. 27 bedrooms. It seems too dense. I look at the aerial map, seems like a multifamily area, 1- 2 units. I think it's too dense. That's my opinion. Wonder if on the staff report on page 2, item 2, bottom of page, even though this project technically meets zoning, is it effectively rezoning this property to high density multifamily? Could he or somebody give us clarification? From applicant or city solicitor's office that this is not changing the zone, even though it's not, is it changing the zone. This development to me is not consistent with the neighborhood, I don't care what the design is.

R. Lockhart: Scale of project is the question. Is it fitting with existing housing pattern there. Not consistent. Other specific question, regarding parking. There are numerous notes relative to parking, have you had a chance to review those?

M. Hamor: Provision in zoning ordinance about stacked parking, 2 or 3 parking. Remove stack parking and limit units to 2 bedrooms to limit triplex to 2 bedroom unit. Also add, the density for this project is half even though it seems like a lot of units. They are twice as dense as this development. We did list a chart of surrounding neighborhood in application. When you look at rendering, the amount of green space that will be exhibited, no cut, landscaping, fencing, density itself complies to zoning ordinance. When you go to the Master Plan, they talk about townhouses. People want townhouses to transition from rentals to owner occupied. There's a desire for owner occupied townhouse type living. That's what we're catering to in this project. We didn't want garden style with big parking lot, went with what market is looking for. Encourage responsible homeownership. Neighborhood doesn't have townhouses in it like this. Diversification meeting Master Plan to provide mix of housing for this project. Work with Board and DPD to come up with a project that isn't too dense. We feel as though this was a good mix. We had proposed to do a common driveway and realized that was not desirable, best we can for having two separate projects. Proposing to reconstruct sidewalk in front of house. All parking in rear of buildings. A lot of cars within parking garage in building itself. Fencing will provide privacy. These are going to be well-taken care of properties with HOAs so that they are maintained by a property management company that will ensure that they look the way they do when they are built and maintained. Restrictions on master deed to prohibit from doing things outside of what's on master deed that would detract from visual appearance from street.

R. Lockhart: Item 5 from memo. Staff requests that parking spots are labeled on site plan.

M. Hamor: Provided clarification from DPD. Parking space in front of garage on each unit. Wasn't clear on plan. Comment has been addressed. One additional request was to show dimensions on plan which we will most certainly do.

G. Frechette: This is a bit of a challenge. When you look at the site plan that was presented, dimensional requirements, open space regulations, lot area per dwelling unit, frontage, etc. What's being proposed meets all of that. Meets all requirements for site plan review. Cut and dry. Special permit. We take a look at neighborhood character. How does it enhance the neighborhood? Becomes a difficult obstacle to overcome based on the density of the project per se, I guess this is what the challenge is. These are large lots, we have had several projects on Walker Street come before us. Probably last large lot. More green space. We do not want to exacerbate an issue. Parking is always a concern. I don't see how there is visitor parking on the spot. FD recommending no parking on access roads. Obviously that makes it difficult for visitors to park. Not trying to create situation where visitors are forced to park on the street if we have control over how developed. Real challenges. Other part, it does not necessarily meet intent of zoning. If this was site plan review, cut and dry. Comes back to Special Permit. Special permits were added to planning board, presented with developments like this. For myself, Site Plan Review could tweak, issues with Special Permit. Wish the applicant would take a look at the lot with five units. Regardless, appreciate trees but it is going to look like one condo development. They are going to be townhouses. Going to be an economy of ownership, but to B. Malavich's point, they can end up being investment property. Keep for rental

property and move on. Other elements, windows on both sides of these buildings. Window so you can put a bed. Doesn't look good. Plenty of landscaping but issue with landscaping between units. Two feet in width.

M. Hamor: Will be small shrubs and mulch, not mowed.

G. Frechette: Will there be curbing?

M. Hamor: Curbed small shrub landscaping strip.

G. Frechette: Was that in the plan?

M. Hamor: Will provide some detail.

G. Frechette: To my colleagues' comments, measurement of Special Permit enhancing the neighborhood, need to rethink five unit building. Visitors parking and no parking lane for FD. Cars illegally parked – how is this going to be handled? Reducing bedroom count, see plans on that because my understanding of whether stacked parking is allowable.

C. Cheng: All my questions are addressed. I agree with G. Frechette. Harder in terms of density.

R. Pandres: Echo G. Frechette's concerns. Would like to see a homeowner's association agreement. My general understanding is to obtain mortgages can require owner occupied. Do more research.

S. Gallivan: My concerns have been addressed.

M. Hamor: I want to request to continue to the first meeting in March. March 2nd.

Motion:

R. Lockhart motioned and B. Malavich seconded the motion to continue this petition to the March 2, 2020 Planning Board meeting. The motion passed unanimously, (5-0).

**III. Other Business**

**Extension Request: 725, 741 749 Merrimack Street 01854**

The applicant for 725, 741, & 749 Merrimack Street has requested a two-year extension to the Special Permit approval first granted to convert the vacant church into 50 residential units.

On behalf:

James Harrington, Applicant's Representative

Offered Comments:

J. Harrington: At this point the next phase is the church hall. Waiting for climate to be right to move forward. Looking for another 2 year extension.

Discussion:

None

Motion:

T. Linnehan motioned and R. Lockhart seconded the motion to GRANT the two-year extension. The motion passed unanimously, (4-0-1), with G. Frechette abstaining.

**IV. Notices**

R. Lockhart: The Historic Board has a couple of projects. YMCA addition and renovation. UTEC project, improvements. Next meeting on the 10th.

**V. Further Comments from Planning Board Members**

**VI. Adjournment**

B. Malavich motioned and R. Lockhart seconded the motion to adjourn the meeting at 7:52 PM. The motion passed unanimously, (5-0).