



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, February 4, 2019 6:30 p.m.

City Council Chambers, 2nd 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 C. Linnehan, Chairman
Gerard Frechette, Member
Richard Lockhart, Member
Richard Snetsky, Member
Jordan Gys, Associate Member

Members Absent

Robert Malavich, Member

Others Present

Jared Alves, Assistant Planner

A quorum of the Board was present. Member Malavich was absent.

I. Minutes for Approval

1/24/2019

G. Frechette motioned and T. Linnehan seconded the motion to approve the 1/24/2019 minutes. The motion passed unanimously (5-0).

II. Continued Business

Site Plan Review & Special Permits: 42 Highland Street 01852

An application was submitted by Southern End Realty seeking Site Plan Review, and two (2) Special Permits to construct two (2) duplexes behind the existing structure in the Traditional Neighborhood Multi-Family (TMF) zoning district. The proposed project requires Site Plan Review under Section 11.4 because of the proposed four (4) residential units and a Special Permit under the Table of Uses, Article XII, Section 12.1 (d). The project also requires Special Permit approval under Section 6.7 for a driveway that exceeds 200 linear feet and any other relief required of the Lowell Zoning Ordinance.

Speaking on behalf of the applicant:

Matt Hamor, LandPlex, LLC
Frank Gorman, Southern End Realty

Speaking in favor:

None

Speaking against:

Scott DeRoche
Rowena Hirmer, 48 Highland Street

Peter Hirmer, 48 Highland Street

Discussion:

Mr. Hamor said that the applicant had three primary follow-up items: (1) arrange for a site meeting with the applicant and direct abutters to understand their needs relative to the existing trees along the property line as well as addressing some of the architectural elements that would be viewable from their residences. (2) They needed to get clarity from the FD regarding their approval of the access drive. (3) They needed to confirm that the sewer department is okay with modifications to the drainage system.

Mr. Hamor said that a site meeting took place relative to the access drive and the existing trees down the property line. They agreed that they would not cut any of the trees adjacent to the property line. The drive would not be affected by any of the existing trees. They would do a small widening to the left side of the pavement of the existing drive.

Mr. Hamor discussed the architectural changes. Regarding the rear of the buildings, they have separated the windows and elongated them. They have added goose neck lights on the back gable which is similar to the front. They have proposed molding underneath the cornice of the roof line. They have separated the windows on the second story. They have added a false widow's walk, similar to the McDonough building. It will be a false architectural element, not accessible. They have also added some posts to the rear decks. Finally, they have added some landscaping.

Mr. Hamor said they received an email from wastewater stating that they have no additional concerns regarding drainage. They also received an email from the Fire Chief stating that he doesn't have any safety concerns. They will incorporate sprinklers and they will have a fire hydrant at the end of the access drive.

Mr. DeRoche said that the photos look like the front and back of on building. But he clarified that the proposal is to add two duplexes. His concern is that they are taking a historic property which used to have a carriage house. They are almost making a street out of a driveway. He said it's alarming to see so much development in a historic property. Going from two to six makes a driveway into a street. He has concerns about water runoff and parking. He doesn't live nearby, but owns a rental. He's not sure how they will get cars back there as far as extra people and visitors. He wishes the applicant had more land for what they're trying to do. All the water from the roofs will cause a lot of additional runoff and it will flow into his property. He said it's an extremely narrow driveway. Highland Street is beautiful. It has seven homes. He says they should take it out to Chelmsford or further away. There is too much going on in the area right now. Thorndike Exchange is a perfect example. Just turning around all the headlights from cars will reflect on neighboring properties. They're taking the little bit of woods that remain on Highland Street. He looks at the photos and there's no green landscaping.

Ms. Hirmer agreed with Scott's concerns. It's very congested construction for the size of the lot. She appreciates that the applicant listened to them and was willing to work with them. She is grateful that they will maintain the bigger trees that are necessary for buffering others in the area. The applicant worked with them on proportions and the architectural elements that made it look too institutional. She said they had concerns about runoff and lighting. They wanted it to be downward directed. She asked how legally binding any of the discussion is. She said that structures presented at the hearing are often not what are built.

Chairman Linnehan said that the Historic Board has the final say on the design of the property. If the Planning Board doesn't approve the project then the applicant likely wouldn't go to the Historic Board.

Ms. Hirmer asked about public notification.

Chairman Linnehan said they would need to go to the Historic Board for any changes and would need to post public notices, etc.

Mr. Hamor said that the Historic Board is generally agreeable with the plan.

Ms. Hirmer says that it seems like a lot of building for the lot but the changes make it more agreeable. She wants the changes that have been put here to remain.

Mr. DeRoche asked about snow plowing, downspouts, and gutters.

Mr. Hamor pointed out the areas that will be used for snow storage. All of the roof runoff and runoff from the paving areas will go into subsurface drainage systems. There will be a significant decrease in the runoff. There will be chambers beneath the ground. They are adding a catch basin on the drive to prevent any further runoff going onto Highland Street

Mr. Hamor said that regarding density, the development is six units. Zoning allows eight for this parcel because the lot size is 32,000 sq. ft. compared to a 4,000 sq. ft. requirement per dwelling unit. Regarding parking, each of the new units will have four spaces. The original building will have four spaces. The development will have 20 spaces.

Mr. DeRoche said the theory sounds great, but when snow occurs he's concerned about the impact on traffic patterns

Mr. Hamor said that they did an analysis with turning radius software and found that a fire truck can access the rear of the property and turnaround. He noted that zoning requires a 12 foot minimum access drive and they are proposing 14-ft. He noted that the small lot behind the original home has been pushed over to allow a car to pull over if needed to allow another car to pass. Regarding the lighting question, he said that the entrances to the garages will have downward facing lighting. The goose necks lights in the rear are also downward facing.

Mr. DeRoche asked the Board to come see the property so they can see how narrow the driveway is today. The old use was two couples and there was plenty of room. With potentially families added it may be difficult.

Mr. Hamor said that the project can't get built unless the developer builds the drawings that are approved. There will also be a condominium association to restrict owners from doing anything to the exterior of the building.

Mr. DeRoche asked about the number of trees that will need to come down in the backyard.

Mr. Hamor said that a few trees will need to come down—a few ornamental trees and a grapevine arbor. He said that it's mostly open in the back. There are trees along the property lines that will remain. It's mostly ornamental trees in the center of the property. Some they will retain. Especially between the historic home and the first new duplex. The trees along the chain link fence in the rear of the property will remain.

Mr. DeRoche asked whether the property has a lot of ledge.

Mr. Hamor said that some areas have ledge 5 to 12-ft. deep. There is a lot of sandy soil too that will drain well.

Mr. Herner thanked the applicant for the discussions. He said he is concerned about ledge removal. He asked whether the buildings will have basements.

Mr. Hamor said that they will have basements.

Mr. Herner asked about inlet water pressure. He said that in their house it's tough for someone to take a shower when someone is doing a load of wash downstairs. With Thorndike Exchange going up and this project next door, he wants to make sure that they don't lose their water pressure.

Mr. Hamor said that he can't answer that question, although pressure is based on size of pipe. They will not put nearly as much strain on the water pressure. He said they planning to link each building with a 2-inch pipe. The sprinkler and domestic service will run off the same 2-inch line. They will use 300 gallons per day, which is the Title V estimation for a three bedroom unit. They will also bring a six inch pipe into the site for the hydrant, so the water pressure will come off the pipe. He doesn't think their flow will have any impact on Mr. Herner's water pressure.

Member Lockhart asked if there is any opportunity to have more plantings in the rear of the new duplexes.

Mr. Hamor said absolutely. It's typically a condition is to work with DPD on landscaping.

Member Lockhart said there was a lot of concern about neighborhood character. This consideration is a part of the Historic Board's jurisdiction. He has spoken with the administrator, Steve Stowell. He noted that the applicant has had some preliminary talks. He expects the applicant to meet with him and the architect for the national park to get into the design review from a historic standpoint. Mr. Lockhart doesn't believe the design is ready for the Historic Board approval. The Historic Board is well aware of what is needed to maintain neighborhood character.

Mr. Hamor said that Frank Gorman has gone to the sites and worked with Joel Silverwatch to prepare a revised design that predated the design from the last meeting. When they came up with the second iteration, Steve said they could go to Planning. They would not have gone to the Planning Board without having some general consensus.

Member Lockhart said that he values getting input from the neighbors tonight. He encourages his colleagues on the Planning Board to come to the Historic Board hearing too. The Board relies on neighborhood feedback to make good decisions.

Member Gys asked about the runoff and whether the proposal will actually reduce the runoff.

Mr. Hamor said that is correct.

Member Frechette said he appreciates the revisions to the rear of the property. The criteria for Site Plan Review are pretty straightforward. Mr. Hamor meets the zoning criteria. Looking at the Special Permit criteria, the premise is to taking into considerations several factors, including neighborhood character. The litmus test to comply with neighborhood character is how it will protect or enhance the character. Yet, they ware in a situation where the Historic Board approval really determines what will affect the character in this circumstance. He would like to ask his colleagues to request DPD to perhaps bring this into the Zoning Subcommittee to look at best practices where Special Permits are granted regarding neighborhood character. Increasing density is about design too and yet the Planning Board doesn't have the final say in this case.

Member Frechette believes the applicant has satisfied the Site Plan review requirements, including regarding runoff. The Board is very familiar with subsurface storage. Walking the site he was surprised by how much impervious surface already exists today. The Fire Department is happy with the proposal, with the sprinklers, the turning movements for the engines. Agreeing to maintain the mature trees on the boundary is important. For neighborhood character, landscaping is important. The lighting is part of the Site Plan Review process so that it doesn't encroach upon neighboring properties. The downward facing lighting meets that requirement. The design of the driveway allows for people to pull straight out. He has a real issue with the Board's task in making a decision on a Special Permit based on 12.1 where they don't have the final jurisdiction on the look of the building. He would like to submit a letter on behalf of the Planning Board to the Historic Board on the importance of the cohesive appearance of the estate.

Member Snetsky said that Member Frechette expressed a lot of his concerns. This project meets most if not all of the technical zoning requirements. That being said, he is still not happy with the density. Regardless of that concern he believes he will support the project. He would like to encourage the Historic Board to look closely at the design and make sure that it meets neighborhood character to the maximum extent that it could.

Chairman Linnehan said that when considering neighborhood character as a Planning Board they need to look at the architectural renderings that they have in front of them tonight. If they don't believe it fits the neighborhood character tonight, then the Planning Board has the jurisdiction to deny the project. If the Planning Board doesn't approve it then the applicant will not get to go to the Historic Board. If the Historic Board makes a big change, then the Planning Board would get another look.

Mr. Hamor said a condition could be to go to Historic and then return to the Planning Board (if approved) to review any changes. He asked Steve Stowell about whether it's prudent to go to the Historic Board first. It could be that the Planning Board doesn't have to definitively approve the design this evening. Mr. Hamor said they could return and describe what the Historic Board wants.

Chairman Linnehan said he's not sure what the Historic Board's criteria are for design for neighborhood character. The Planning Board can still vote no even if the Historic Board approves the designs.

Member Frechette said that if they liked what they saw here and approved it this evening and Historic changes the complete look.

Chairman Linnehan believes the applicant would need to return to the Planning Board for approval of a modification based on whether it's substantial or material. The first thing though is to decide whether it fits into the neighborhood character. He asked whether it all comes down to the design of the project versus any other features of the special permits, e.g., the access drive length.

Mr. Gorman said that when they started on the project about a year ago they looked at the neighborhood. He said that when you walk the property, to the left are two 1970s brick apartment buildings. In the rear is a garage with a tarred roof. To the right they have neighbors who requested changes, including the landscaping, preserving the trees, etc. He noted that this is now the third time that they have come before the Planning Board. They are willing to make changes. He said it's very difficult to hire an architect and spend thousands and thousands of dollars before they even have Site Plan Review approval.

Mr. Hamor said that they need to go to the Zoning Board of Appeals because the existing building has a nonconforming front yard setback. Concurrently, they would go to Historic.

Mr. DeRoche said that when you go down the street you see the charisma of the street. Starting at McDonough's place and the Tsonga's building that burned down and was rebuilt. All of the lots were built in the 1800s. Not one of them has done anything as close to the street as what might happen here. Highland Street is one of those streets that only have nothing but 1850-1865 properties. Now brand new construction would be brought to the forefront. One hundred years ago you wouldn't be able to just see old, old beautiful mansions. McDonough's place is way back at the rear of the lot.

Mr. Hamor said that Mr. Gorman is planning to fully restore the existing dwelling. The entire front of the building along the streetscape will remain the same.

Member Frechette asked whether they could condition someone to return to the Planning Board for final approval after going to the Historic Board.

Chairman Linnehan agreed. They would then be able to vote yes or no on the Special Permit.

Member Snetsky asked whether it would make sense to wait for Historic Board's decision before the Planning Board decides.

Chairman Linnehan said they could do that too.

Member Snetsky said that seems to be the whole sticking point, whether the Board agrees with the design and whether it meets the neighborhood character.

Member Lockhart said that the design should be finalized and then the applicant could return to the Planning Board.

Mr. Hamor asked to clarify what the Board wants to see to ensure the design meets neighborhood character. He reiterated Mr. Gorman's point that there is a three story apartment building next to the site. He hasn't yet heard that an architectural element is missing or wrong. He's not sure what specifically the Board wants to change. He asked whether they want false shutters on the window casements, different types of doors, a 2.5 story building more in line with the streetscape. They incorporated a widow's walk which is indicative of the McDonough building. They have incorporated elements from carriage houses, like the garage doors. They have added elements, such as gooseneck lighting, which is indicative of a barn or carriage house entryway. He requested input that would give them guidance. They have had multiple meetings with all of the departments in the city. They added some overhangs above the garage doors that are a carriage house element.

Member Lockhart said that the National Park Service architect will talk about those specific architectural elements. They want the new construction to blend in with the old.

Member Frechette said they could submit a letter to the Historic Board and that the Planning Board in determining neighborhood character is urging the Historic Board to take into consideration the architectural elements that will create a cohesiveness of the development as well as the landscaping. The design and landscaping will go a long way. The structures still don't come off as a carriage house. He understands that the Historic Board doesn't want to recreate something that wasn't part of the building. The designs don't give you the feeling that it's a carriage house. He knows that developers will point to things like Camelot Court and

Westminster Apartments. Those are oddities. Those do not define the street. They're there, but they are not the predominant designs. Even the home with the tar paper on the roof has some nice architectural elements.

Mr. Hamor said that a letter would help for the Board to the Historic Board.

Member Snetsky said that they are not architects. He would trust the expertise of the National Park Service architect and the Historic Board to make some of the determinations and hopefully bring back something that will address all of those issues.

Member Lockhart said that as chairman of the Historic Board he would make sure that it would happen.

Ms. Herner has an art degree. She really appreciates what Mr. Gorman and his team are trying to do. The issue she struggles with is that the overall design includes peaks. That is the basic problem. You'll never get past the look of peaks. No buildings anywhere on the street have peaks. That's what is jarring. You can do things to enhance a recipe, but you'll never turn a recipe building into a cake. All of the buildings on the street are square with flat roofs. So peaks will stand out like a sore thumb. Two that look like the front home would be brilliant. She said the current designs look better than before: the sills and shutters, proportion of the windows. The peaks and dormers counter everything that is going on in the neighborhood.

Member Frechette thanked Mr. Herner for articulating the thoughts that the Board wasn't expressing quite as well as she just did.

Motion:

R. Snetsky motioned and **R. Lockhart** seconded the motion to continue the hearing until the March 18 meeting. The motion passed unanimously (5-0).

G. Frechette motioned and **J. Gys** seconded the motion to have DPD submit a letter on behalf of the Planning Board to the Historic Board requesting that they strongly take into account the cohesiveness of the estate in order for the Planning Board to assess the effect of the project on neighborhood character. The motion passed unanimously (5-0).

III. **New Business**

IV. **Other Business**

1, 5-7 E Merrimack Street 01852: Minor Modification

The proponent is requesting a minor modification to the previously approved mixed use building. The proposed changes include reducing the height of the building from 12 to 5 stories, the number of dwelling units from 66 to 42, and the size of the restaurant from 4,270 sq. ft. to 915 sq. ft.

Speaking on behalf of the applicant:

Matt Hamor, LandPlex, LLC
David Daly, Daly General Contracting

Speaking in favor:

None

Speaking against:

None

Discussion:

Mr. Hamor said that this modification is to reduce the scale of the original project. They are also requesting an extension for a two-year period for the permit. One Riverfront LLC has a plan that they are confident about and ready to start construction this year. They are looking forward to working with department heads to resolve drainage, sewer, water, etc. that were part of the original approval. He noted that the greenspace on the roof will be new for the City.

Chairman Linnehan asked about water utility question.

Mr. Daly said that when they demolished the building they needed to secure an agreement with the City. He agreed with cutting all water going to the building, but it would only be water proprietary to the building. The water department wanted them to cut other old services not specific to the building. They were forced to cut a number of different services at a cost of \$14-15,000. Two of the water lines didn't exist. They don't want to open up streets to other water services that may not exist. The situation was being worked out with the previous City Manager. They will engage the current City Manager.

Member Lockhart said that the current proposal is a lot better scaled to the area.

Mr. Daly said that the way they will construct this will be podium style with a steel first floor and wood frame. It will be weather tight in 60-90 days. That will speed up construction and that will benefit downtown.

Member Frechette asked about the comments from the Building Department regarding the roof plan.

Mr. Daly said that the Building Department has defined the rooftop greenspace as living area. They define it differently. They look forward to further conversations. It will just be a meeting area or hang out area. They would accept a condition to resolve that issue during the permitting phase.

Member Frechette said that the Federal Reserve Bank of Boston on the 12th or so floor has picnic tables, and shrubs. It's a nice element. On the surface going from 12 stories to 5 and reducing some of the footprint, it's obviously fairly substantial. However, there are some communities that have put together guidance for process on making that determination: e.g., (1) whether the proposed deviation represents any change in the aspects original approval that was essential to the overall design, safety, quality or function. He believes it still meets the original intent. (2) Whether it would still meet the findings of the original review. He says it's even less than required. (3) Whether it meets the City's regulations. So it does, it's a lesser requirement. (4) Whether the deviation represents an upgrade and compatibility with the surrounding neighborhood. As grand as the 12 stories seem, five stories will likely fit in a little better with this design. (5) Whether the deviation involves a change in the aspect of the project that was identified as a member of the public that was of particular importance. He doesn't believe they are taking away anything critical. Further, he noted that substantial conformance would be decrease in the height or reducing the floor area. Changing windows or doors. Major would be increasing the height of the building. He assumes that they have renegotiated the parking agreement.

Mr. Daly said that's part of the conversation with the new City Administration.

Chairman Linnehan said that all the matters are minor given the downsizing.

Motion:

T. Linnehan motioned and **R. Lockhart** seconded the motion stating that the changes are not substantial or material and that they represent a minor modification. The motion passed unanimously (5-0).

T. Linnehan motioned and **J. Gys** seconded the motion to condition approval of the changes on the proponent working with the Building Department regarding constructing the proposed rooftop greenspace over combustible building materials. The motion passed unanimously (5-0).

T. Linnehan motioned and **R. Snetsky** seconded the motion to extend the Site Plan Review approval period for two years. The motion passed unanimously (5-0).

V. **Notices**

VI. **Discussion**

Status update from the City's Transportation Engineer regarding the roundabout project on Old Ferry Road

Ms. Vance: provided a status update for 677 and 705 Pawtucket Blvd. It's an update to the traffic mitigation report at the request of the Planning Board to continue evaluate the feasibility of a roundabout. The city has continued to meet with the applicant, VHB, and the peer review. VHB is moving forward with the design of the roundabout. They have two potential options. The first one the Board has seen. There were a couple potential problems: it was a little close to the condo, so it could impact their buffer; one of the houses on Varnum Ave is extremely close to the city right-of-way so the standard leg length of the approach could come close. If the City allowed the leg approach to be shortened it could be reasonable.

Ms. Vance said that the alternative shifts it away from the condos. However, they would need to relocate National Grid transmission lines. They have started those conversations and have met with National Grid on site. They believe they are movable and would not be terribly expensive. The cost would be borne by Market Basket. The rest of the relocation would be reimbursable. VHB is moving forward with the design of the roundabout. Once they get a definitive answer from National Grid, they will know whether moving forward with original or this slightly preferred design.

Member Frechette asked for the timeline.

Ms. Vance said that hopefully National Grid will respond quickly. Market Basket has a liaison to National Grid, so they are trying to help VHB get an answer quickly. They are anticipating needing an answer quickly to finalize the plans and go out to bid so the roundabout would be finished before Market Basket opens. She does not have an update on the Memorandum of Understanding between the City and Market Basket. There is a draft Memorandum of Understanding and the details are being worked out.

Member Lockhart asked whether Ms. Vance can provide periodic updates.

Ms. Vance said that as soon as she knows the location, she will send another memo to the Board and will return to present on it.

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

Member Lockhart said that the next Historic Board meeting is March 11. Recently, they had a good tour of the Thorndike Exchange. It is coming along nicely. There was some question about

the materials used that they clarified, e.g., the outside patio. They used granite blocks when they were supposed to use brick. It was not a major issue. They toured the interior, including the restaurant and some of the residential units. It's coming along nicely and really is an enhancement.

Member Frechette asked if they could vote and request DPD to look at best practices for juggling Historic Board approval in Special Permit requests.

Member Lockhart said some of these projects should go to the Historic Board first, like the project tonight. They need a way to evaluate which types of projects, to incorporate some sort of procedural change to identify these types of projects upfront.

G. Frechette motioned and **R. Lockhart** seconded the motion to have DPD look at best practices for balancing Historic Board and Planning Board jurisdictions over design review. The motion passed unanimously (5-0).

VIII. **Adjournment**

R. Lockhart motioned and **G. Frechette** seconded the motion to adjourn the meeting at 8:15pm. The motion passed unanimously (5-0).