



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, April 6, 2020 6:30 p.m.

Conducted via TPx Meet-Me-Conferencing

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

Members Present

Gerard Frechette, Vice Chairman
Richard Lockhart, Member
Caleb Cheng, Member
Russell Pandres, Associate Member
Sinead Gallivan, Associate Member

Members Absent

Thomas Linnehan, Chairman
Robert Malavich, Member

Others Present

Jared Alves, Senior Planner

A quorum of the Board was present. Vice Chairman Frechette called the meeting to order at 6:30pm.

Note: Ricard Lockhart needed to switch phones during the meeting and was not present for the votes on the minutes, 113 Walker Street, 246.1 Market Street, and 60 Dix Street.

I. Minutes for Approval

March 2, 2020

C. Cheng motioned and R. Pandres seconded the motion to approve the minutes. The motion passed unanimously, (4-0).

II. Continued Business

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 single-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. The applicant has requested a continuance to this hearing to the May 18 meeting.

On behalf:

None

Offered Comments:

None

In Favor:

None

In Opposition:

None

Discussion:

None

Motion:

S. Gallivan motioned and C. Cheng seconded the motion to continue the hearing to the May 18, 2020 meeting. The motion passed unanimously, (4-0).

III. **New Business**

Special Permit: 246.1 Market Street 01852

Emerson 100 Real Estate, LLC to amend a Special Permit granted to convert the former mill building at 246.1 Market Street into residences. The building is in the Downtown-Mixed Use (DMU) zoning district and the applicant is seeking Special Permit approval under Section 8.1 to increase the number of residential units from 13 to 29 and for any other relief required of the Lowell Zoning Ordinance. The applicant has requested a continuance to this hearing to the May 18 meeting.

On behalf:

None

Offered Comments:

None

In Favor:

None

In Opposition:

None

Discussion:

None

Motion:

R. Pandres motioned and S. Gallivan seconded the motion to continue the hearing to the May 18, 2020 meeting. The motion passed unanimously, (4-0).

Site Plan Review: 60 Dix Street 01852

James Valeriani on behalf of Grow One Inc. applied for Site Plan Review approval to convert an approximately 18,000 sq. ft. existing building into a marijuana cultivation facility. The property is in the Light Industrial (LI) zoning district and requires Site Plan Review approval under Section 11.4.2.2(8) for the registered marijuana use and for any other relief required of the Lowell Zoning Ordinance. The applicant has requested a continuance to this hearing to the May 18 meeting.

On behalf:

None

Offered Comments:

None

In Favor:

None

In Opposition:

None

Discussion:

None

Motion:

C. Cheng motioned and S. Gallivan seconded the motion to continue the hearing to the May 18, 2020 meeting. The motion passed unanimously, (4-0).

Rezone: Hamilton Canal Innovation District - Parcel 1; 330 Jackson Street 01852

In accordance with M.G.L. Chapter 40A, Section 5, the Lowell Planning Board will hold a Public Hearing to hear all interested persons relative to an ordinance to amend “The Code of Ordinances City of Lowell, Massachusetts,” with respect to Chapter 290, thereof entitled “Lowell Zoning Code” by amending certain sections of Section 10.3 entitled “Hamilton Canal District Form-Based Code. The proposed amendment would reduce the minimum floor clearance from 10-ft. to 8-ft. and would allow structured parking at the street level and upper levels of Parcel 1 (330 Jackson Street) in the Hamilton Canal Innovation District.

On behalf:

Joseph Giniewicz, Urban Renewal Project Manager, City of Lowell
Rick Freiberg, TEC

Offered Comments:

Mr. Giniewicz provided background into the property. The property is in the Hamilton Canal Innovation District (HCID). The city has envisioned using this district to connect the historic downtown to the Gallagher terminal. Interest picked up in 2019. The City is speaking with many individuals and has received a couple inquiries about building a parking structure on Parcel 1. This discussion started about the same time that the City was doing a redesign on Parcel 14, which has the city garage. In response to the request for proposals (RFP) for Parcel 1, the City was contacted by the Lupoli Companies for a larger development proposal, not just the garage on Parcel 1. It was a vision for the remainder of the outside of the district. This would be part of a larger development that would take place on Parcels 1, 2, 3a, 4, and 5. Following the RFP, the City has continued to work with the Lupoli companies to see how those plans could come to fruition. How it gels with the vision for the district: new market rate housing, job opportunities. It would allow structured parking on this particular parcel and would modify the minimum floor heights. The City needed to reduce the scope of the city parking garage during a redesign. He had hoped to have a number of spaces underground, but it was prohibitively expensive. Elsewhere in the district the City has worked with Wynn Development on Parcels 8 and 9. That project has started, mixed commercial and residential. He had anticipated a lot of subsurface parking, but there is contamination that has made subsurface parking cost prohibitive. These challenges have led to reductions in expected parking. The court house was smaller when the City envisioned the district: just three courts. Today, there are those three courts plus housing, family and probate, registry of deeds, and the District Attorney’s office. So, the parking demands are greater than what was anticipated in 2008.

Mr. Freiberg spoke on behalf of the Lupoli companies. He said there is a need for additional parking to account for the court house and previously planned parking that will not be built due to cost. Also, the garage would support plans for work on Parcels 2, 3, 4, and 5. They have planned a garage with 535 parking spaces, 85 feet in height. The two changes to the way things were envisioned: first floor of Parcel 1 was contemplated to be retail. With a retail space, you would want nice high ceilings, so minimum 10-ft. But now that it’s a parking structure, it’s fixed dimensions. As you go up a traditional ramp, they are only able to go up 5.5-ft. at a time. Go up like a cork

screw. Floor to floor height is about 11-ft. With pre-cast garage, it's the most cost-effective and economical. It's the same type as city garage. With a structure depth of about 3-ft., the remaining clear height is 8-ft. instead of the 10-ft. in the district today. As retail was contemplated on the first floor, office space was contemplated on the upper floors. This structure will only serve as a parking garage. Those are the two requests.

In Favor:

None

In Opposition:

None

Discussion:

Member Gallivan confirmed that there are approximately 530 spaces proposed for Parcel 1. Staff provided a note that 1,800 spaces were originally planned for the district. She asked how many spaces will be in the Parcel 14 garage.

Mr. Giniewicz said that Parcel 14 will have 900 spaces.

Member Gallivan surmised that there might be other parking proposed underground. She asked if the City has a count of total proposed parking spaces.

Mr. Giniewicz said that he doesn't have an updated number. It's fluid. The number is based on the projects the City receives. At this point he doesn't have any other parking proposed aside from the 900-space garage. There are approximately 30 spaces in the court house property for the judges. The Lupoli companies is proposing some additional parking as part of the Parcel 2, 3, 4, and 5 projects. The total numbers will depend on the final design of the structures. At that point it will leave the north side. It will depend on what the city gets for proposals and whether they can provide parking.

Mr. Freiberg will be maximizing the number of spaces to minimize the number of other parcels where parking will be required. That will preserve those parcels for developments to support job creation and housing units on the remaining parcels.

Member Gallivan thanked them for the explanation.

Member Cheng asked if the parking garage will occupy the entire bulk allowable in Parcel 1.

Mr. Freiberg that's correct.

Member Cheng said it's in the territory of the Historic Board. He knows the the court house is designed in a certain aesthetic. He asked if they have plans or ideas to soften the massing of the parking garage, next to the new court house.

Mr. Freiberg said that if the amendment passed, their next step would be to submit a filing to the canal district task force. That review would include a review of the design of the building. They are evaluating providing through architectural scrim and false facades, not just a cold concrete structure but intricate details. They might use kinetic screening, it's a like an architectural mesh as the wind blows it almost shimmers. It lightens up long faces of the garages. They may use other mixed materials along the lower level and incorporating two glass staircase and elevator towers. There will be an architectural design process if this amendment gets approved.

Mr. Giniewicz said that the Historic Board will also need to review and approve the project.

Member Cheng understands the concept of concentrating parking, especially as regards to cost. It makes other parcels more likely to succeed in terms of development. He sees the need to turn empty parcels into a functional neighborhood. He has some concerns about concentrating it given that it's the south entrance of the district. It really needs a connection to make sure it's not a barrier to the neighborhood. He appreciates the effort that they are planning for that massing and architectural elements.

Member Pandres said that since the city is the applicant, he asked why the city is considering allowing a private garage as opposed to building another public one. The city hasn't done this in the past, so he is just curious.

Mr. Giniewicz said the City doesn't really have any privately owned or run parking garages. They have all been publicly owned. That puts a burden on the parking enterprise fund. Based on the rates charged for the public garages, the City doesn't have much more of an ability to build it's self out of it's parking needs. This is a unique opportunity by the Lupoli companies and others who have expressed interest in building a garage by the court house. The Lupoli companies taking it a step further to service not just he court house but other development in the Hamilton Canal district. This is a unique opportunity to see if a privately run garage can work in the city.

Member Pandres asked about how the HCID has been viewed as a transit-oriented district (TOD). He realizes that the trolley project never really got on the rails. He asked if they could speak to the Administration's or planning staff's thoughts on whether building a garage will defeat the intention of having a train station so nearby while building more parking so close to it.

Mr. Giniewicz said that he doesn't necessarily think it will contradict the TOD that we are hoping for and planning for in this area. Structured parking will consolidate that type of use in one area. They will not see a lot of land area occupied for surface parking. With some additional projects that the City is doing and encouraging like the Lord Overpass project and the multi-use paths in that project. The City is making an effort to make other modes of transportation a reality. As population grows, we will see more use from other modes too.

Mr. Freiberg said that generally looking at the numbers from when the district was created and as the parcels are getting developed, the early estimates for the number of parking spaces was intended to be around 1,800. Through the city garage and the proposed garage, they will still be 400 or so spaces short. These other spaces will likely be constructed on each of the remaining lots through subsurface parking. He doesn't feel like it would be more parking in the district because of the amendment. They would likely be working hard to get to the 1,800 spaces. There are opportunities on parcels 5, 2, 3a, and 4. There is a really neat opportunity on parcels 2, 3a, and 4 where they are envisioning a mixed-use project with residents. The opportunity is for dedicated bike parking indoors and an abundance of racks outdoors in the plaza area. The Lupoli companies likes the vision of TOD. He sees a need for parking for the court house and for the proposed restaurants. Have parking available for visitors, so important to have parking on this end of the district.

Member Cheng said that in addition to the façade and look of the parking structure, it would be a good idea to focus on the street level. Given that we are now reducing the height for an essential part of the structure, it would be good to pay attention. On Revere Street, probably where people are walking from the train station. Now have a blank wall on the other side of the street. Both sides would be blank or unattractive, so could discourage people from walking or taking other means of transit.

Mr. Freiberg said that's a point well taken. When they get to design, they are trying to come up with a design for the outside of the structure to make it look more like a building in the district. Different materials on the upper versus lower floors. Make it feel more like another building than a garage.

Member Cheng thanked him. He looks forward to seeing a more concrete mock up.

Member Gallivan reiterated the importance of the pedestrian experience from the street. On Parcel 14, the code required retail on the primary streets of the project. She asked if there was any consideration for some type of retail to activate the street level.

Mr. Freiberg said that they looked at it as part of the first concept for the garage. They thought of having a strip of retail, roughly 5,000 sq. ft., facing towards the court house. As they got more information about the property and the length of the parcel... he mentioned the ramping structure. The depth of the parcel is such that in order to rise enough height to allow retail on ground floor, they would need to climb over 13 feet on one run of the ramp, vs. the 5.5 ft. as proposed. They would have had a steep ramping structure approaching a 20% grade, that's steeper than any recommendations for parking structures. The physical size of the lot prohibited the inclusion of retail in the design.

Member Gallivan said that she is glad that it was at least taken a look at it because it would behave more like Parcel 14. She realizes that it's a much smaller site. Regarding Parcels 2, 3, 4, and 5, she said that bike racks and storage would be great. She asked if they are considering any secure bike storage as part of the parking garage.

Mr. Freiberg said that they haven't thought about it yet. Within the structure they have area on the first floor, for example underneath the ramping sections that could present an opportunity for storage of bikes. It would otherwise be dead space.

Member Gallivan said that incorporating bike storage for people using the garage would make a lot of sense. She asked if there will be any electric vehicle parking within the garage.

Mr. Freiberg said that he believes that there will be, but he does not know for certain.

Member Lockhart said that they have covered the project quite nicely. It's a good amendment and it would bring the whole district forward. It's just a very positive project.

Vice Chairman Frechette reiterated that this is a vote to recommend a zoning change to the City Council who will then hold a public hearing for a binding vote. This is for a change to the form-based zoning. The idea of form-based zoning was to help expedite the permitting process. If the applicant follows footprint of what was proposed, then they do not need to come before the Planning Board for Site Plan Review. The applicant has the option to go outside the guidance and then go through the normal procedure. Member Lockhart is the Planning Board's representative on the Historic Board. They do have design review as part of the process along with the HCID review group. He would encourage board members to pass their comments on the Member Lockhart.

Member Pandres asked whether the Board has an opportunity to make an amendment to the motion to require Site Plan Review.

Vice Chairman Frechette said that it would defeat the purpose of the form-based zoning.

Motion:

R. Lockhart motioned and C. Cheng seconded the motion to recommend that the City Council approve this proposed zoning amendment. The motion passed unanimously, (5-0).

IV. **Other Business**

Extension Request: 484 Merrimack Street 01854

The applicant is requesting an extension to their Site Plan Review and Special Permit approval to redevelop the historic building into a mixed-use building with a ground floor commercial space and 15 studio apartments.

On behalf:

George Theodorou, Applicant's Attorney

Mr. Theodorou thanked the Board for holding the teleconference. He is requesting an extension to their Special Permit. They have worked well with the Historic Board and Steve Stowell on the design of the storefront. There was a hiccup in that the Building Department wanted them to install an elevator. They had to go to the State Building Commissioner to remove the requirement. It would have changed the approved Historic Board-approved design and it would be extremely expensive. The State removed the requirement. Normally he would ask for a one-year extension, but they are likely held up for 6 months with COVID-19. He is seeking a 2-year extension.

Offered Comments:

None

In Favor:

None

In Opposition:

None

Discussion:

Member Cheng said that he really looks forward to the buildings in the area getting redeveloped. He totally supports moving this project forward.

Member Lockhart said that it's a good project. He has reviewed it with the Historic Board and would like to move it forward.

Motion:

R. Lockhart motioned and R. Pandres seconded the motion to grant a two-year extension of the Special Permit approval to April 6, 2022. The motion passed unanimously, (5-0).

Extension and Minor Modification Request: 205 Market Street 01852

The applicant is requesting a two-year extension to their Site Plan Review approval to construct a hotel at 205 Market Street and 38 Shattuck Street in the Downtown-Mixed Use (DMU) zoning district. The applicant is also seeking approval for modifications that include increasing the number of hotel rooms from 52 to 58.

On behalf:

Teddy Panagiotopoulos, the Applicant
Jim Jozokos, Applicant's Architect

Mr. Jozokos said that they brought this project before the Board in February 2018. The Board asked us them to meet with the Historic Board to adjust the design because they went from 5 stories to 6 stories. After 30 renditions between early spring to late fall 2018, they were asked to eliminate some of the balconies. That generated a couple of these design changes. The other design changes were adjusted because of new funding recommendations. Mr. Panagiotopoulos can speak to the name change.

Mr. Panagiotopoulos said they have changed the name to the Lowell Legacy Hotel. They were operating under existing business Athenian Corner as a placeholder for the name. Generally, they were looking for something for the theme of the boutique hotel. Legacy represents his family who were Greek immigrants and who were given opportunity by Lowell. The name also reflects the city itself, which is welcoming to immigrants and is always reborn with new groups.

Mr. Jozokos said they were asked by a new funding source to split the suites into single rooms that could be locked off. They aren't creating more bedrooms, but more total space that could be locked off from each other. Eliminating the balconies was part of design changes with Historic Board, bringing front façade and top elements forward. The basement portion changes are because the funding source asked to revamp the laundry. Before they would handle it in-house, take giant machines and put in basement and build building around them. Now there will be a laundry chute to the basement and it will be picked up and dropped off on a regular basis. There is a minor increase in the staffing facility so we created more locker/changing rooms to handle that capacity. It was a minor adjustment. They are taking over a portion of the area that was going to be more of a crawlspace. Now it's a full basement. The fifth change was that there was a proposed retail space that would be eventually rented. They had thought of as a coffee shop. The new funding source said they should get their own coffee, so they melded it right into the hotel lobby coffee station. That's the summary of the changes.

Offered Comments:

None

In Favor:

None

In Opposition:

None

Discussion:

Vice Chairman Frechette said they received a memo from DPD regarding the project. It was some time ago. Three pages or 2.5 pages of conditions from the original project. Those would be retained for the extension. He referred to a comment from the Building Department regarding the lot. The applicant has indicated that they would file an ANR plan to combine 205 Market Street and 38 Shattuck Street. Staff notes that they believe it is a minor modification. He asked if the original condition would cover the parking requirement.

Staff confirmed that the original condition was general and would cover the parking.

Motion:

R. Lockhart motioned and S. Gallivan seconded the motion that the changes are not significant or material and represent a minor modification. The motion passed unanimously, (5-0).

C. Cheng motioned and R. Lockhart seconded the motion to grant a two-year extension to the Site Plan Review approval to April 6, 2022. The motion passed unanimously, (5-0).

V. Notices

VI. Further Comments from Planning Board Members

Member Lockhart said that the Historic Board is meeting a week from tonight. He assumes that they will be conducting it in the same manner on the 13th. The Board has been very, very quiet.

Vice Chairman Frechette thanked everyone who participated. He thanked DPD for putting this together. This is the first land use board to use this format. On behalf of entire Planning Board, he hopes that all residents stay safe and healthy. Please follow social distancing guidelines. He hopes to normal format as soon as they can.

VII. Adjournment

G. Frechette motioned and R. Lockhart seconded the motion to adjourn the meeting at 7:30 PM. The motion passed unanimously by acclamation, (5-0).