



of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, June 6 6:30 p.m.

City Council Chambers, 2nd Floor, City Hall

City of Lowell, 375 Merrimack Street, Lowell, MA

Remote Participation Optional via Zoom

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

Members Present

Chairman Linnehan

Member Frechette

Member Lockhart

Member Cheng

Members Absent

Member Gallivan

Member Malavich

Others Present

Peter Cutrumbes, Assistant Planner

A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:34 P.M.

I. Minutes for Approval

May 16, 2022 Minutes

G. Frechette motioned to accept the minutes, and C. Cheng seconded. The vote was unanimous, (4-0). The minutes were approved.

II. Other Business

Tree Planting Plan – Greening the Gateway Cities

The City of Lowell has applied to the Commonwealth's Greening the Gateway Cities program for FY2023. The Lowell Planning Board is required to approve the proposed tree planting plan in this application.

On Behalf:

Jess Wilson, Design Planner for the City of Lowell

J. Wilson presented the project. This project is an application for funds to plant trees in the Highlands and Acre neighborhoods, particularly in several parks and LHA properties. It is a \$20,000 grant. The application requires the submittal of a tree planting plan. The City would like to focus on planting trees on Broadway Street, Chelmsford Street, and Westford Street. There are also planned tree plantings for Koumartzelis Park, Armory Park, Durkin Park, and Clemente Park. There is a plan to plant trees at three LHA properties: Harold Hartwell, Francis Gatehouse, and City View Towers. The program also allows the City to fund trees on private developments. 13 projects approved by land use boards have decided to accept these trees. J. Wilson says the plan was kept generic in order to keep the potential sites where trees can be planted as expansive as possible.

Discussion:

G. Frechette discussed how important he believes this program is. In particular, he stated that softening the urban landscape is very important for establishing a sense of place. There were no further comments from Planning Board members.

Motion:

T. Linnehan motioned to approve the tree planting plan, and R. Lockhart seconded. The vote was unanimous (4-0). The tree planting plan was approved.

III. **New Business**

Public Shade Tree Hearing – 171.1 South Street (South Common) 01852

In accordance with MGL Ch. 87.5 and Chapter 260 of the Lowell Code of Ordinances, the Lowell Planning Board will hold a public hearing to hear all interested persons regarding the proposed removal of five (5) public shade trees at 171.1 South Street (South Common). The proposed tree removal is necessary in order to complete planned improvements to the park. A total of twenty five (25) trees are proposed for replacement.

On Behalf:

Jess Wilson, Design Planner for the City of Lowell.

J. Wilson summarized the proposed tree removal, which is part of a \$600,000 redesign of South Common. This redesign focuses on irrigating the fields, adding landscaping, and improving handicap accessibility from the parking lot. The trees need to be removed in order to put in the new ADA accessible walkway. 25 trees in other parts of the park will be planted, with 10 being planted during this phase. 10 trees with calipers of 2.5-3.5 inches will be replaced.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

C. Cheng asked if the 10 trees will be planted in the same area they are removed. J. Wilson said they will not, as they will be planted around the track area to provide shade.

Motion:

G. Frechette motioned to approve the tree removal, and R. Lockhart seconded. The vote was unanimous (4-0). The tree removal was approved.

Site Plan Review – 100 Phoenix Ave 01852

Advanced Cultivators LLC has applied to the Lowell Planning Board for Site Plan Review approval to construct a marijuana cultivation facility on site. This property is located in the Light Industrial (LI) zoning district. The proposal requires Site Plan Review approval pursuant to Section 7.10 and Section 11.4 from the Lowell Planning Board.

On Behalf:

Attorney William Martin, Applicant's Representative

W. Martin spoke on behalf of the applicant, Advanced Cultivators LLC. The principals, Rich Borges and Steve Ramirez, were also in attendance. Additionally, the engineer, Brian Geaudreau, and the property owner, Frank Fedeira, were present. W. Martin said that the proposed cultivation center is 12,000 square feet. The applicant believes it will be low-impact to the area, and proposes roughly 10 employees at the outset.

The project has received all necessary approvals from LPD, LFD, and Solid Waste and Recycling.

W. Martin said that the current parking spaces are half a foot short on width and go up to the property line, violating the zoning ordinance. However, the parking area has existed as is for approximately 20 years, and thus the applicant does not believe they need to change.

Finally, W. Martin said that the applicant believes there will be 3-6 deliveries a week.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

T. Linnehan asked about recycling being included as a condition, and W. Martin said they accept that condition.

G. Frechette asked about odor mitigation, as this has been an issue at other sites. He expressed that he feels the site is not as large of an issue due to its industrial location, but that he is concerned with the issue regardless. W. Martin said they are fairly confident in the odor mitigation system. R. Borges then spoke on the odor mitigation system. R. Borges said there will be negative pressure in the cultivation rooms to keep odor locked inside. Any air that makes it into the attic or venting system will be run through an electrostatic filter before it goes outside. The mechanical engineer for the project felt confident in the system, with roughly 98% of odor being mitigated. R. Borges said they are open to extra measures regardless. T. Linnehan said they always try to put an odor plan in place so that way the City has jurisdiction to enforce odor issues, rather than just the Commonwealth.

G. Frechette said he thinks the parking plan may be okay as presented and would defer to fellow Board members on allowing it. Board members suggested no issues.

R. Lockhart asked why the design memo says that “within cultivation spaces” no odor control is needed because of how the air moves. He is seeking clarification. R. Borges said the cultivation rooms themselves are a closed loop, and that no air moves through them due to the negative pressure system. The ductwork in those rooms have air filtration because that is the only way any air may escape the room.

R. Lockhart asked if impervious areas will be increasing, and W. Martin said the total amount will stay the same.

C. Cheng said that fellow members have addressed his concerns, and that he would also like to see a little more documentation on odor mitigation.

T. Linnehan confirmed with W. Martin that they need a Stormwater Permit.

T. Linnehan did not have a problem with the way the parking is laid out.

Motion:

G. Frechette motioned to accept the Site Plan review with the following conditions, and R. Lockhart seconded.

- Applicant will submit a detailed odor mitigation plan satisfactory to DPD
- Applicant shall agree to work with the City to mitigate any future odor issues
- Applicant will have an onsite recycling program
- Applicant will need a Stormwater Permit and final approval from the City Engineer dept.

The vote was unanimous (4-0). The Site Plan was accepted.

G. Frechette motioned to issue a Special Permit for the use with the following conditions, and R. Lockhart seconded.

- Applicant will submit a detailed odor mitigation plan satisfactory to DPD

- Applicant shall agree to work with the City to mitigate any future odor issues that may be required
- Applicant will have an onsite recycling program
- Applicant will need Stormwater Permit and final approval from City Engineer dept.

The vote was unanimous (4-0). The Special Permit was granted.

Special Permit – 251 Clark Road 01852

Leo Garneau has applied to the Lowell Planning Board for Special Permit approval to construct a new single-family home on the property at 251 Clark Road. The subject property is located in the Suburban Single Family (SSF) zoning district. The project requires Special Permit approval from the Lowell Planning Board pursuant to Section 5.1.1(7) to reduce the minimum frontage required by 15 feet.

On Behalf:

Attorney John Geary, Applicant's Representative

J. Geary summarized the Special Permit request to reduce minimum frontage by 15 feet. J. Geary said they have submitted a site plan, a landscaping plan, and a rendering of the property. He argued that this application supports the City's goal of increasing housing. J. Geary also argued that there are no adverse impacts of the proposal for the neighborhood. He also believes that the house fits into the character of the neighborhood. J. Geary said the soils were tested last week and proved suitable for a subsurface retention system onsite. He also expressed that they will comply with all Engineering comments regarding this project.

Speaking in Favor:

None

Speaking in Opposition:

Mitchell Guziekja, 255 Clark Road

M. Guziekja did not feel that squeezing a house on this property fits the character of the neighborhood and that it will devalue his home.

Kevin Ahern, 40 O'Heir Way

K. Ahern asked if this project needs Zoning Board relief as well. T. Linnehan said no. K. Ahern said the construction materials on a nearby site have caused issues with his neighbor's retaining wall. He is concerned that construction on this site could cause problems as well.

He expressed concerns about the retaining system, as his newly finished basement flooded a few years ago. J. Geary addressed the retaining system questions from K. Ahern by saying the soils were tested and that the system is designed specifically for the site. The engineer is working closely with the Stormwater Team on this retention plan.

Karen Gray, 52 Ohare Way

K. Gray expressed concerned about water runoff from the property, as water from the site currently runs off onto her driveway. Her driveway has cracked due to this. K. Gray asked the Board if there was any other relief required. J. Geary said there is no other relief needed.

Discussion:

G. Frechette said that in the early 2000s the required frontage in the Suburban Single Family zone was only 75 feet. After this, it was raised to 90 feet. This ability to lower frontage via special permit is to give the Planning Board flexibility in determining how the house would sit on the lot. He summarized how the house is compliant with the required dimensions under Section 5.1. G. Frechette said he would have liked to see a layout of the surrounding lots in order to compare the sizing better.

J. Geary added that the homes in the vicinity of this property have 100 feet of frontage, but that closer to the Tewksbury line they are closer to 75 feet. He also said the O'Heir Way subdivision next door all have 75 feet of frontage, and so he feels they are consistent.

G. Frechette said that, visually, the project fits in with the neighborhood and that the retention system will be a large improvement. R. Lockhart said a home fits very comfortably on this lot.

C. Cheng said he thinks the application meets the spirit of the special permit.

T. Linnehan inquired about the engineering department's requests, which include contacting the department before drainage, paving, water, and sewage work. J. Geary said he is happy to be in contact with them and meet their requests. He said that the engineering department will have oversight of the runoff as well, as there is a stormwater permit required here.

J. Geary says he believes it will increase the value of the surrounding homes.

Motion:

R. Lockhart motioned to issue the Special Permit with the following conditions, and C. Cheng seconded.

- The project must receive a Stormwater Permit
- The retention system will ensure all run off from the lot will be retained on site
- The applicant will be held to the design, size, scale, and landscaping plan as presented at the hearing, with final approval by DPD.

The vote was unanimous (4-0). The Special Permit was granted.

IV. Continued Business

Site Plan Review and Special Permit: Saint Louis School 72-74 Boisvert Street and 253 W Sixth Street 01850

ZR Development Group LLC has applied to the Planning Board and Zoning Board of Appeals to redevelop the existing St. Louis School building into nineteen (19) residences with twenty four (24) off-street parking spaces. The application requires Site Plan Review under Section 11.4 to construct more than three dwelling units and Special Permit approval for the conversion of an existing historic school under Section 8.1. The application also requires Variance approval under Section 6.1 for relief from the off-street parking requirement, Section 5.1 for relief from the land area per dwelling unit requirement and usable open space requirement, and under Section 8.1.3(4) for relief from the minimum square footage requirement and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Attorney John Geary, Applicant's Representative

J. Geary spoke on behalf of the project. He represented his client, ZR development. Jim Zorbas (Principal of ZR Development), Mark Ohara (Engineer), and Gary Thomas/Kerry Owens (Design Team) were also in attendance. J. Geary mentioned that this is a continued hearing for a Special Permit and a Site Plan Approval.

J. Geary said that the Board had requested clarification of a few issues that came up at the last hearing. He then summarized the changes they have made. J. Geary said that they had revised the site plan to include angled parking spaces, in order to make traffic flow operate as designed (into the site via W 6th and out via Boisvert St). The applicant also has agreed to screen the dumpster, per the Board's request. Additionally, the bike racks on the plan have been moved to the interior of the site to keep bikes safer. The applicant has also added a strip of grass on the north side of the property into the plans. There will now also be a transportation board in the interior of the building to provide train and bus schedules. Most importantly, J. Geary said they had Jeffrey Dirk of Vannasse and Associates conduct an on street parking study.

J. Geary then went on to summarize the study. He said that Vannasse broke the study into 3 zones near the property. Zone 1 consists of the area from West 6th St. to Ennel St. and Boisvert St. The study found 14 on street spaces. Zone 2 runs from Beaulieu Street to West 6th St. to Victor St. The study found 28 on street spaces. Zone 3 consists of the area from Boisvert St to West 6th St. to Victor St. The study found 33 on street spaces. This made a total of 75 on street spaces. The study found that the peak parked hour was at 1:30 PM, during which on street parking was at 65% capacity. This meant that there were still 26 spaces left. The study found that 9 AM had the fewest cars parked on the street, with 51 on-street spaces available. Ultimately, the study found that there is plenty of parking for residents and guests. J. Geary said that the parking study did not include the parking spaces in front of the church property on West 6th St.

Mark O'Hara then spoke. He said there is 4500 square feet of landscaping on the site, compared to the all concrete site right now. This will decrease the amount of impervious surfaces, and in turn improve the drainage system. M. O'Hara has been working with Gordon and City Engineer Ting Chang. The initial sidewalk proposal was asphalt but the Engineer has requested concrete, to which the applicant was amenable.

Gary Thomas, part of the Design Team from Northpoint Construction MGMT, then spoke. He said that, architecturally, they tried to keep the building in its existing state. They have added 6 bike racks on the plan. G. Thomas said there has been no significant changes compared to the last meeting.

Speaking in Favor:

None

Speaking in Opposition:

Maureen Kelleher, 37 Unsworth Street

M. Kelleher expressed that the project needs to be stepped back in size. She felt that 12 units would be appropriate, as the parking lot has room for 24 cars and this would allow 2 cars per unit. M. Kelleher said that renters don't care as much about the neighborhood. She also said that the units are undersized.

Additionally, she said the study is inaccurate, as it does not take into account people who leave in the morning or who don't get home until 7 o'clock. She worried that cars will be parked all the way up to intersections and make visibility bad.

Sandy McNamara, 78 Boisvert Street

She disagreed with the parking study. She has calculated spots herself. Her complaints included that the study has spaces in front of fire department that aren't allowed to be parked in, and that it also includes things like bus stops. S. McNamara said she only calculated 8 spaces in Zone 1, not 14. She expressed her opinion that the City should do a peer review of the parking study. She said she believes the City needs housing but that the developers need to be fair to neighbors.

Karen Vashras, 63 Beaulieu Street

Ms. Vashras echoed similar concerns. She said there is a bus stop that was added in January that the parking study lists as a spot. This limits the parking spaces shown on the plan. 7 AM - 7 PM is not a good range for parking because people also park to drop kids at Greenhalge School.

Regina Faticanti, 169 Bunker Hill Ave

R. Faticanti said there should be a plan for snow emergencies due to parking. She also expressed concern that people may not actually follow the traffic patterns laid out on the site from the lot. She

asked for confirmation that the trees are planted close enough together so that cars cannot exit the lot onto the Bunker Hill Avenue side.

Rodney Elliott, 15 Cresta Drive

R. Elliott said he is not a resident of the neighborhood but was concerned about parking after speaking to residents. He said this was a common complaint that he saw on the Council. R. Elliott agreed with R. Faticanti's concerns about where the cars go during snow ban.

During this time, T. Linnehan clarified for all speakers that the parking relief will be from the Zoning Board of Appeals, not from the Planning Board. T. Linnehan explained that what will be decided by the Planning Board is a Site Plan Review and if the conversion of a historic school to a new use can take place. T. Linnehan then asked J. Geary when the application is before the ZBA. J. Geary said June 13.

Attorney Ellen Wright, 92 Boisvert Street

E. Wright said she is disgusted by the parking report. Her son was hit by a car in this neighborhood while biking and she believes increased on-street parking will make visibility for drivers even worse. She echoed concerns about parking during snow emergencies.

Larry Hurdy, 88 Boisvert Street

L. Hurdy expressed concern that this project will make it to the ZBA. He also said that he thinks the parking plan is not correct, and that it's intentionally vague. He argued that potentially every household at the site could have 4 vehicles. L. Hurdy echoed E. Wright's comments that on street parking will create safety issues for children biking and playing. Lastly, he said there may be new issues such as sewer line upgrades if more people are using city services.

Discussion:

S. McNamara asked if a peer review for parking can be done by the Planning Board. T. Linnehan said he thinks that it should be done by the ZBA, as it has jurisdiction over the parking relief.

M. Kelleher asked if the Planning Board is approving the number of units. T. Linnehan explained that any proposal with more than 3 units has to come before the Board. T. Linnehan also said they have to approve the conversion of an historic school's use. All other requested relief (parking, land area per dwelling unit, usable open space, and minimum square footage) would be coming from the Zoning Board of Appeals.

J. Geary clarified to the residents in attendance that they are not asking for relief for 24 parking spaces, only 14. He also defended Jeffrey Dirk's parking study. J. Geary said F. Cigliano does not think that the open space in the rear of the property should be taken away for parking. J. Geary also said that the size of the units fit the market.

G. Frechette said that he appreciated community input on this project and S. McNamara's on the ground attempt to calculate parking spots. G. Frechette said he drove to the site and saw parking spaces. He also said Jeffrey Dirk has done good parking study work in the past. G. Frechette did agree that the side streets are congested parking wise. He argued that the smaller unit size indicates that less vehicles will be there, as it attracts non-families or younger families.

G. Frechette also said the angled parking spaces will control the flow of traffic thru the site and will ensure cars enter and exit where they are supposed to.

G. Frechette believes the landscaping plan will benefit the site, but also the neighborhood, by softening the look. G. Frechette said they can condition that the snow has to be removed from the site. He also said maybe there could be slightly fewer units, especially because the studios are so small.

C. Cheng asked if they could continue until after the ZBA makes their decision. He felt it is better to wait to hear from them. T. Linnehan and R. Lockhart expressed agreement with this. T. Linnehan also felt there should be less units.

Motion:

G. Frechette motioned to continue to the July 18 meeting, and R. Lockhart seconded. The vote was unanimous (4-0). The project was continued to the July 18 meeting.

V. Notices

R. Lockhart reported on the May Historic Board meeting regarding 330 Jackson Street. He said there will be a new parking garage adjacent to the Judicial Center, with 540 spaces. He also said that there will be some minimum maintenance issues coming up to ensure properties downtown look good. Lastly, he also mentioned that the historic sign program is still ongoing.

G. Frechette provided an update from NMCOG. The organization has a new Executive Director, Jennifer Raitt, coming onboard. G. Frechette also discussed the NMCOG traffic volume report and how the organization had to alter their study methodology during COVID. He said traffic seems to be dispersing more throughout the day now, as opposed to peak hours, due to hybrid or work from home jobs. He said this relates to the Pawtucketville Market Basket traffic study, as the engineers will now stay out for the whole day as opposed to peak hours.

VI. Further Comments from Planning Board Members

VII. Adjournment

C. Cheng motioned to adjourn, and R. Lockhart seconded. The vote was unanimous (4-0). The meeting adjourned at 9 PM.