



City of Lowell - Planning Board

Planning Board Meeting Minutes
Thursday September 10, 2020 6:30 p.m.
Conducted via Zoom

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

Members Present

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

Members Absent

Robert Malavich, Member

Others Present

Fran Cigliano, Associate Planner

A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:31pm.

I. Minutes for Approval

II. Continued Business

Site Plan Review & Special Permit: 671-683 Rogers Street 01852

Pure Lowell, Inc. is seeking Site Plan Review and Special Permit approval to open a recreational marijuana dispensary at 671-683 Rogers Street. The property is in the Regional Retail (RR) zoning district and the use requires Site Plan Review approval under Section 11.4.2(8), Special Permit approval under Section 12.4.o, and any other relief required of the Lowell Zoning Ordinance. **The applicant has requested a continuance to the September 24, 2020 Planning Board meeting.**

On Behalf:

Joseph Clermont, Applicant's Attorney

J. Clermont: Requesting a continuance. The Board wanted to review feasibility and advisory study from MassDOT for left turn lane. Need that information. Would like to request continuance to September 24.

C. Cheng: I will be recusing myself from this project.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

T. Linnehan motioned and G. Frechette seconded the motion to continue the petition to the September 24, 2020 Planning Board meeting. The motion passed unanimously, (5-0), with C. Cheng abstaining from the vote.

III. **New Business**

Site Plan Review: 44 Rock Street 01854

BTGOG, LLC. is seeking Site Plan Review approval to construct four (4) townhouse condominiums at 44 Rock Street. The property is in the Urban Neighborhood Multifamily (UMF) zoning district and the use requires Site Plan Review approval under Section 11.4.2(2) and any other relief required of the Lowell Zoning Ordinance. **The applicant has requested to withdraw the application without prejudice.**

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to grant the request to withdraw the application without prejudice. The motion passed unanimously, (5-0).

Site Plan Review Amendment: 2 Prince Ave, 1 Markley Way 01852

The Markley Group is seeking to amend a 2018 Site Plan Review approval to expand the data center at 2 Prince Ave, 1 Markley Way. The data center is in the Light Industrial (LI) zoning district and the applicant is seeking approval for outdoor water tanks and a relocated driveway in the northeastern part of the property. The changes require Site Plan Review approval under Section 11.4.2 and any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Theo Kindermans, Applicant's Representative
Luke Kipler, Markley Group

T. Kindermans: Presents new site plan. Equipment moving to different location. Compares what was approved previously with new proposal. Major changes, relocation of generators, fuel storage that had been previously approved has disappeared. Better solution to have "belly tanks" for each generator. Generators sit on top of tanks. Much safer condition. Fuel storage permit in front of the City Council in a few weeks. We now have a ring road all around our property. We are capturing the grade change and making it better for LFD to get around building. Installed gate. Presents sections showing tank. Visible over tops of trees. We think we are screening the tanks

adequately. We have done some photo simulations. Over time, you can catch a glimpse of the tanks, but with shrubs, much improved compared to the current situation. Shows photographs of inspiration. Dense screen. One line of arborvitae. Pears in between. Marvelous job of screening. Shows rendering of screening from perspective of neighbor's yard. Some questions were brought about what tanks will do for water distribution, water pressure. Went to water department and got water map. Blew up the map, highlighted the water lines. Public water line running through private property. Water lines highlighted and is disconnected from neighbor's property.

L. Kipler: Wanted to address other comments. Fuel storage permit, move from centralized placement to each generator having each individual fuel storage. With one central, would need pumping. This allows us to clean that up, easier safer way to store fuel. Above ground vs below ground tank – above ground more reliable for maintenance and leak repair.

Speaking in Favor:

None

Speaking in Opposition:

Randall Snead, 63 Otis Street: I would like to say I have many concerns. They have addressed some. Does the Markey Group want to be a good neighbor in Lowell? Sought to circumvent legal system. Neighbors had to complain to building inspector. Would have been the case that both tanks would be standing right now. Major plan revision, two water towers, cooling towers, HVAC, smoke stack they didn't speak to on page 9. I would be curious on pollution they would put out. How will this really effect out water pressure? Most likely will affect due to constant use. What kind of noise, water treatment? Didn't speak to this. Generators can be very loud. How often will these be running? Why can't the Markley Group construct along the ball field, not residents? Are the water towers even necessary? Markley Group representative trying to buy property adjacent to parcel. Is Markley's plan to try to expand? Plan to leave homes as residential or rezone to industrial or business? Markley Group's plans to replace mature trees are lacking. To create a row of unsightly plants does not make it. If you had looked at picture I sent today, from my property, they will be going above fence from neighbor, probably easily 15, 20 feet above fence line. Mature trees obstructed that area and the building.

Eileen Castle, 64 Otis Street: Have water tanks right next to my house. He had no idea for sure whether it would affect our homes and neighborhood. Told me they needed to be going all day long and all night. There are other questions that I have. Cooling towers – what are they? What will they be used for? Will they make noise? Once they get there, we will never get them out. On the City to find out how much noise they will make. Would devalue all our homes. Will they be omitting any odors, allergies? This is something the city needs to be concerned about. Fuel tanks. Down there, more homes will be devalued. Increase in insurance due to fuel tanks. Diesel fuel smells. What kind of odors? This is the closest neighborhood to Markley Group project. Have the fire inspectors been there? What entrance will the fuel tanks use? Want to be sure they can't use any entrance except entrance on Moore Street.

Jacquelynn Coles, 7 Bourne Street: Public health concern. What will be the increase in traffic? Are these questions actually going to be answered or are we just asking them rhetorically? Fuel tanks – don't want to become Andover or Lawrence with the explosions. I understand there was supposed to have a letter sent to residents. Never got that.

Fred Laffen, 101 Bourne Street: Cooling towers. I work on these things and I don't want them close to my house. They're very noisy. As far as generators, is there containment set up around each one of them. I don't want oil leeching out into the book. With all this noise, it's noisy from morning til night. They start at 6:40. We can't sit outside. The house shakes. Dump rubbish. Fence is falling apart. Nothing but weeds. Don't want to see trees cut down. This whole street, it's terrible. I know people are really involved in the computer thing, think Markley is great, I say come by my house it looks like a pit.

Kerry Laffen 101 Bourne Street: I agree with all of my neighbors. Another problem, my two daughters and I, they play outside every day. Asthma and horrible allergies. Huge piles of dirt. Both of my daughters and myself have been so bad. I know it's from all the work that's going on. Constant loud noises. House vibrates daily. It's so loud. Unless you live in this area, you can't understand the craziness of the loud shaking. There's no break, only lunch break, you don't want to go outside. So uncomfortable, so loud. Concerned about chemicals, fuel. I have two kids. I'm really concerned.

Jake Fortes, 36 Iowa Street: As you guys probably know, here's a run down of where I have been on Iowa street. The Markey Group came to town and proposal was for diesel tanks. When we started asking, the view you are seeing is from the back door of my house. I present to you two 2500 diesel generators from 100 ft of my house. I have not had an explanation for as to why everything that has gone on with this tank was never done when these were moved to the south side. I do understand what the residents are fearing on the other side. Now suddenly because Eileen and Snead has rallied the neighborhood. Happy that Markley is moving storage. Much safer option. I have no problems with the site change. We have an ongoing issue with regards to emissions that come from these. They have better generators. We have an issue with exhaust fumes. They are trying. Keep in mind, they had never done any projects in residential neighborhoods before. Usually zoned industrial. Bringing it to where we are tonight - yes there's been some lies. Their entryway was proposed to be changed in 2018. Need something to be done with that. Markley insists on being closed. Obstructs flow on the street. That is something no one has brought up tonight. These two generators are directly within 100 ft. of property. To the left, there are two more generators there. 5 minutes per week for each one. For the 5 minutes, smoke that's emitted is a lot. We are uphill from them. The smoke sits in the area and basically gives us noxious gas fumes until they shut them off and it clears out. This was brought up before the PB and ConCom before. These are two generators. They added coning towers because the smoke stacks weren't actually up to rag. These actual whole smoke stacks are actually out of regulations for MA code. Folks on other street, this does not apply to you. Going to pivot now to water tank issue. The water tanks, service route they put water main under, that's a part of the water main there. I became an expert in these water tanks. These water tanks are going to be positive for our neighborhood. This whole neighborhood is a mess of water mains and sewer lines going along private property. It can go catastrophically wrong. Yes they are going to probably be unsightly but look at my view. This building, when they originally came to town, we were happy. What I want to show to you guys, this was the original plan. My mom actually spoke in favor. I understand things change. Situation is fluid. I get that. You don't just park four generators and not tell them. Markley has no interest to buy street. They wanted a private entrance that looks like Raytheon. We gave up our sight lines knowingly. Didn't want these diesel generators there. They know it. The water tanks need to go along the water main. So, they are not lying about that. They need the pressure. Water tanks could be painted. I know that the tanks are needed. Not speaking for or against the tanks. I have done my homework here. Didn't sign petition. I didn't sign that because I did my homework on what they're proposing. I'm not for it or against it. In the same sense, we have other issues we need to mitigate. Less of an issue than generators. Generators also pollute. I don't want to sink the project. Look at what I got for site line, nothing. I'm in favor of the tanks I guess partially. Let's paint them white or commission a local artist to beautify them.

Nancy Fortes, 36 Iowa Street: For five years we have put up with Markley. Good thing they came to town. Didn't know the noise, construction would happen well before 7 in the morning. Dust, vibrating, should have used on highways. My house shook for the whole time they were over there like it was an earthquake. The generators have been an ongoing problem. 5 min a week to test them. Also have the world clock where they run them all day Saturday and Sunday to the point where they're on for 5 minutes, fumes sit in my yard. Have bronchial asthma, have to sit in my house. Stacks less than 100 ft from my house. Need something to be done about those fumes. It's polluting. Over 100 years ago, mills polluted Lowell. This is not the mill age in Lowell. They have things you can put on the stacks that can clean fumes away. They have them on cruise ships. Has been an ongoing problem in the five years they've been here. Good they came here, but things around them have created problems. I thank you for your time.

Lucy, 21 Prince Ave: [Entered into chat] I couldn't talk in the zoom for some reason. I do have concern on the water pressure, noise and pollution. I have received complaints from my tenant on the noise already. Thank you!

Discussion:

L. Kipler: Address the ones that I can. The first one, decorating the tanks, these are a glass lined tank so they come in a dark blue color. Made in a specific way that paint won't stick to them. Would be happy to look at screening options that we can make the view more palatable for the neighbors. What we presented provided pretty good screening. We are more than happy to put that into our overall plan. For some of the rubbish and trash on Bourne Street, we know that's been an issue. We tried to clean out. We do what we can to clean it up. Plan for the whole site is to make the whole site looking like the main entrance. Do sound test performed. Test base line noise level. Have cooling towers within limits provided by city of Lowell. Will work for dust control.

G. Eliades: Markley throughout the whole process has tried to be a good neighbor. Used to be an awful mess. None of that today. Believe me when I say Markley group wants to be a good neighbor. Some of this stuff is construction work that is going to disappear when project will be put into place.

T. Linnehan: Generator noise. Consistent noise or staying the same? Many people made that comment.

L. Kipler: Generators regulated by MassDEP. We get permits to run those generators. Submit sound model to get approval from state to run generators.

R. Lockhart: Concerned with noise. Noxious gas fumes being generated. Two smoke stacks, when you have smoke stacks like that, are those smoke stacks being scrubbed of pollution and fuels? What is the correct height of smoke stacks relative to the house? There are regulations that should guide them. That needs to be addressed. Tanks themselves. How best to address visual impact.

L. Kipler: Our criteria that we meet for noise level. I'm not a professional engineer. VHB does sound and emissions modeling. Could get a letter from that group. Tier 2 generators. Part of an ongoing permit process to have those generators.

G. Eliades: I understand his concerns. I think we're going to take a look and see what we can try to do to help out.

T. Linnehan: If they could be taller they could help mitigate.

J. Fortes: Yes, they should be higher than our house height.

T. Linnehan: Doesn't sound like a difficult resolution. Height should be higher. Something to look into.

R. Lockhart: Effect on water pressure in surrounding area.

G. Eliades: That's something that our water department will be monitoring. From everything I've been told, should be better.

E. Castle: I understand that some of the things we are talking about, these tanks are within 30 feet from my house. We have 1 inch water pipes in old home. Unless you can tell me instead of what you think, I'd like to know for sure. Come down to the facts not just what I think is going to happen.

S. Gallivan: I have a series of comments and a couple of questions. My biggest concern is the number of changes from the series of approval from 2015 to 2018 that the neighbor flagged. DPD outlined number of changes. I am torn because this is a LI zone and I understand it abuts neighborhood zone. The reason I am torn is that it is zoned for this use. If I am reading the zone correctly, have no height restrictions and no needed setback. That's why I'm torn on this issue. Questions are, because so much of this is dependent on the planting, although there are symbols, there are no quantities, and no species. That could be one of the conditions that I needs to be a more thorough review of the planting plan. There's room for it to vary. Final questions, DPD staff review bring up cooling towers that weren't in there initially. Consider refencing the property where it abuts the residential property.

T. Kindermans: The drawing set that was submitted to planning department has called out plant material and has on one of the pages, plant schedule. It's on there, quantities and species. Would be happy to review and adjust if anyone has comments about that. I want to bring up the water lines since it's such an important question and people keep bringing it up. Again, all the fine lines here are water lines of people. We are proposing to take water line that we are replacing that runs throughout the property. I'm not a water engineer and I haven't done any pressure testing but the pressure in the neighborhood will not change significantly. Sight lines with the fence. Yes it's a mesh fence but you can see how well that is screened. This photo was provided by the neighbor. Photorealistic image based on that. We believe that the tanks and building are going to be adequately screened by these plantings.

R. Pandres: Asked whether the city's water department had any comments. Should get more info from permitting process from MassDEP. I would appreciate knowing that information.

C. Cheng: I acknowledge all the concerns. Concur with all other Members' comments. Always tough when there's an industrial use next to residential use. Made a list of what was mentioned. I think these might be incorporated as conditions. Second entrance to Andrew Street will be emergency only. Make that a condition. Applicant mentioned wishing to make every part of prop look like front entrance. Comment from neighbor about deteriorating fencing on Bourne Street. App will upgrade fencing on Bourne and Otis Street would be part of the condition. Neighbors might not want to do that. Reach agreement with neighbors and Markley group. Regarding screening, agree with member Gallivan that we should have landscape plan work with DPD to their satisfaction. Screening being part of it. Dust control. Put more attention to controlling dust. Addressing concerns of neighbors.

G. Frechette: Share other members concerns. Comments we received from DPD. Concern under water utility. Had more questions than comments to act on. How will they affect water systems in area? Looking to make some factual decisions. Obviously concern is whether this will have impact on neighborhood. The applicant isn't an expert. Need to have some engineering input on possible effects. Disappointed. Open ended questions on our letter from our memo from DPD. Also, the app is going before the City Council for the fuel tanks but changing site plan and gate, those are site plan issues. LFD access. I think I want clarification. Site plan issue as far as how it's being addressed. Also, for clarification, always the dilemma with LI abuts residential. Conflicting uses. In the memo from DPD, item 4 for site plan review, minimize visibility viewed from residential uses. I was very disappointed you can't change the color of the tanks. Creates a challenge as well. SG pointed out that they did not give a definitive plan on the plantings. Ambiguous as to what was approved. At one point we met out at the generators. Would be looking at screening, and trying to minimize effect on smokestack. Seems height was one of the issues. Disappointed from that meeting and what I'm looking at today. I appreciate the investment that Markley Group is putting into the site but we are making a Site plan decision on something that has an impact. Not pleased on how it's unfolded. Obviously those are all areas I have concerns with. I want to get something definitive from engineer regarding tanks, needs to be a clear definitive landscape plan. Didn't hear the applicant discuss at all any other location tanks could be that would have less of an impact. Understand it is more costly but now is the time to explore that. Would like to get some definitive info on tanks regardless of where they can go. Have clear landscaping plan. Something to address in the short run. Not in a position to make a decision tonight.

T. Linnehan: Can we see the screen of the tanks? The water tank will be lower than the current building.

T. Kindermans: Base of water tank is 17 feet lower than the road elevation.

T. Linnehan: They have to stay that blue color?

T. Kindermans: Yes, this is the color. Glass lined tank. Blue with white dome.

T. Linnehan: The white doesn't stick out so much. Chain link fence staying?

T. Kindermans: Correct.

G. Frechette: Question regarding expert analysis of impact of the tanks. Do we feel we possess that in house in the city of Lowell or is that something DPD could communicate with water department on whether an outside engineer would be needed? Applicant to pay the expense. Independent recommendation. Also, need to have comment from the fire department regarding change in generators, fuel, and belly tanks. I know licensing is going before the City Council. But from a site plan review perspective, need comment on that. Need applicant to look at second tank. Is there a different spot the second tank can go in, because of how close it is to abutting property? This as a good will perspective as well, when we look at those generators moved to the other side, could be argument or whether that needed to go back to public hearing. Communicated to us that effort would be made to work with abutters on screening and effect of smokestack and in fact, helpful to get something from the state regarding the height. Appreciate what the neighbor had to say in going to website, but we need expert recommendation on that. Being a good neighbor. We appreciate investment that's gone on here. Entrance looks really great. Looking forward to having it completed. Not fun living years around a construction site. Takes its toll. Appreciate people's frustration. More time at home from pandemic. Hope applicant takes concerns seriously. Having said that, I don't know from a time line, when we could get that all addressed.

T. Linnehan: Past City Council date?

G. Frechette: Yes. Approval has bearing on the site plan.

G. Eliades: First meeting in October. Sep 27 for City Council meeting. October 5. G. Frechette brought up some good points. Nice part of having things recorded, going to try to get more particulars. I think we can deal with them. I understand neighbors' concerns.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to continue the petition to the October 5 Planning Board meeting. The motion passed unanimously, (5-0).

IV. Other Business

V. Notices

VI. Further Comments from Planning Board Members

VII. Adjournment

T. Linnehan motioned and R. Lockhart seconded the motion to adjourn the meeting. The time was 8:37 PM.

