The City of Lowell • Dept. of Planning and Development • Division of Development Services
Lowell City Hall, Rm. 51 • 375 Merrimack Street • Lowell, MA 01852
P: 978.674.4144 • www.LowellMA.gov

LAND USE BOARD: MAIN APPLICATION

The following application is made to the City of Lowell Division of Development Services in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

1. Application Information

Date: _June 20, 2016

Address of Property Location: 336-342 Westford Street, Lowell MA.

Owner: Caleb Westford Corp_____Telephone No. 781-595-4665 ext 100Email;dnutter@thecalebgroup.org

Address (if different) 491 Humphrey St. City: Swampscott State: _MA___Zip Code: __01907_____

Second Owner (if applicable): _____ Telephone No. _____Email:_____

Address (if different) _____City: _____State: _____Zip Code: _____

Applicant: (If different from Owner): _____ Telephone No: _____

Email: _____Title (Tenant/Lessee/Purchaser/Etc.): _____

Address _____City: _____State: _____Zip Code: _____

Owner's Agent (if applicable): _____Telephone No. _____

Email:_____Title: (Attorney/Architect/Contractor/Etc.):_____

Address _____City: _____State: _____Zip Code: _____

2. Please check all Board/Commission Approval(s) sought:

____The applicant is requesting the following from the Planning Board (Please also complete and attach the appropriate form)

- _____ Site Plan Review (See Site Plan Review Supplement Form)
- _____ Special Permit (See Main Special Permit Supplement Form)
- _____ Preliminary Subdivision Approval (See Preliminary Subdivision Supplement Form)
- _____ Definitive Subdivision Approval (See Definitive Subdivision Supplement Form)
- _____ Planned Residential Development
- _____ Endorsement of a Plan thought not to Require Approval (ANR) (See Main Special Permit Supplement Form)
- _____ Repetitive Petition (See Main Special Permit Supplement Form)

____The applicant is requesting the following from the Zoning Board (Please also complete and attach the appropriate form)

- __XX_ Special Permit (See Main Special Permit Supplement Form)
- _____ Variance (See Variance Supplement Form)
- _____ Appeal of Building Commissioner's Determination

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____The applicant is requesting approval from the Historic Board (Please also complete and attach the appropriate form):

- _____ Downtown District
- _____ Acre District
- _____ Other Neighborhood District - Please Specify: _____

____The applicant is requesting the following from the Conservation Commission (Please also complete and attach the appropriate form):

- _____ Request for Determination of Applicability (RDA)
- _____ Notice of Intent (NOI)
- _____ Abbreviated Notice of Resource Area Delineation (ANRAD)

_____ Certificate of Compliance (COC)
_____ Other (Please Specify): _____

3. **Property Information** (Applies to Planning Board and Zoning Board applicants only):

Zoning District of Property: _____NB_____

Type of Structures (Existing and Proposed on Property):

Residential: E_____ P_____ Commercial: E_____ P_____ Industrial: E_____ P_____

Institutional: E_____ P_____ Other: _____

Parking Spaces: Existing __15__ Proposed _0__ Estimated Project Cost: _____

Land Area Square Feet: _____Building Area Square Feet: _____

Number of Stories: _____Number Of Dwelling Units: E_____ P_____ Ave. Unit Size (sqft) _____

Occupied: _____Partially Occupied: _____ Vacant: _____ Vacant Land: _____

4. Notification Requirements: Mailing of Abutter Notices

All applicants will be responsible for submitting abutters notice mailings to meet notification requirements under MGL Ch. 40A. Certificate of Mailing(s) notice shall be submitted to Development Services staff at least two weeks prior to the scheduled public hearing. It is the applicant/petitioner's responsibility to obtain a list of certified abutters and must apply for the list with the Assessor's Office. The Assessor's Office will prepare and certify the list of abutters located within a 300-foot radius*. The applicant will be notified by the Assessor's Office when the list is ready. There is an administrative fee for the certified abutters list.

Request for Permit Signs

All of the following applications are required to post a Request for Permit Sign:

- Special Permit, Site Plan Review and Subdivision Applications from the Planning Board
- Special Permit and Variance Applications from the Zoning Board of Appeals
- New Construction Projects from the Historic Board

Request for Permit Signs must meet the following standards:

- The sign shall include the following information:
  NOTICE: REQUEST FOR PERMIT
  Address of Property:
  Type of Permit: (special permit, site plan review, subdivision, variance, etc.)
  Specific information about the project: (type of use, number of units, size of commercial space, etc.)
  Proposed Use of Property:
  Date, Time and Place of a Public Hearing.
  For additional information, contact the City of Lowell at:
  Division of Development Services, City Hall, Room 51, 375 Merrimack Street, Lowell, MA 01852
  Phone: (978) 674-4252,
  City Website: www.lowellma.gov
- The sign shall include a copy of the site plan or plot plan submitted with the permit application.
- The sign shall be made of wood or metal. Size of said sign shall be a minimum of 3 feet by 4 feet.
- The applicant shall notify the City of Lowell in writing that the sign has been erected and where located.
- The sign shall be posted 14 days prior to the opening of the public hearing.

Submit all required materials to:

Division of Development Services, City Hall, Room 51, 375 Merrimack Street, Lowell, MA 01852

NOTE: Projects greater than 1 acre (43,560 square feet) is required to apply for a NPDES Permit. Please refer to http://cfpub.epa.gov/npdes/ for more information.

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William Bailey, Thomas Linnehan
Chairman

SPECIAL PERMIT: MAIN SUPPLEMENT

The following application is made to the City of Lowell Division of Development Services in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Chapter 270, Zoning Code.

Property Location: 336-342 Westford Street, Lowell, MA

1. **Please check all that apply:**

The applicant is requesting a special permit from the *Zoning Board* under:

___ Section 4.3.4 (Home Occupation)

___ Section 4.5 (Nonconforming Uses and Structures)

___ Section 5.2.3 (Construction Near Wetlands)

___ Section 6.1.4 (Parking Requirements)

___ Section 6.1.5 (Parking Reduction: Restaurants)

___ Section 6.1.10 (Curb Cut)

___ Section 6.1.11 (Lot Solely for Off-street Parking in a Residential District)

___ Section 7.5 (Removal of Material)

___ Section 7.7 (Narcotic Detoxification and/or Maintenance Facilities)

___ Section 7.9 (Wind Energy Facilities)

___ Section 8.3 (Residential Development in the HRC Zoning District)

___ Section 9.2.3 (Artist Live/Work)

XX_ Article 12 (use by special permit):

Please Specify: _Reduce offsite parking in LeRoy lot from 15 to 0.
Development in (_NB_) District

The applicant is requesting a special permit from the *Planning Board* under:

___ Section 3.3.1(5) (lots over city boundaries)

___ Section 5.1.1.7 (Frontage Reduction)

___ Section 5.1.10 (lot width)

___ Section 5.2.9 (large SSF lots with reduced frontage)

___ Section 6.1.6 (parking facilities)

___ Section 6.6 (refuse containers)

___ Section 6.7 (driveway dimensions)

___ Section 8.1 (building conversion)

___ Section 9.4 (Neighborhood Character Special Permit)

___ Article 12 (use by special permit), which includes the following:

(_____) Unit Development in (_____) District

2. **Other Required Review(s)**

*The applicant shall be required to also fill out the appropriate application addendum for any other relief being sought from a City of Lowell Board.

3. **Special Permit Submittal Requirements**

_XX__A. Completed Main Application and Site Plan Review Supplement (this form)

_____B. One original of adequate plans to allow the Board to address the project and the standards for issuing the permit. Plans must meet the standards outlined in the City of Lowell Zoning Code (the only exception to this is for requests related solely to Special Permits for signage – Please see ZBA: Signage Addendum). In general, Plan(s) shall be drawn at a scale 1" = 20" on one full size plans set (24" by 36" sheets) with the rest as half size plans. Plans shall be drawn by a registered land

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surveyor, professional engineer, architect or landscape architect, as appropriate. Plans shall be submitted on at least the following separate sheets:

_____ Existing Conditions

_____ Proposed Site Layout

The following may also be requested on separate sheets by the Board

- Landscape/Lighting Detail: Location and type of external lighting; Location, type, dimensions and quantities of landscaping and screening.
- Utilities: Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants and other waste disposal.
- Elevations/Architectural Plan(s): Architectural plan(s) which shall include the floor plan and architectural elevations of all proposed buildings and/or additions to establish views of the structure or structures from the public way and adjacent properties. (Will be required for projects involving new construction, additions or exterior renovations)

_XX__C. Filing fees as established by the Lowell Planning Board, Zoning Board and City Council: $300.

_XX__D. A narrative addressing how the project meets the Special Permit Criteria as stated in Section 11.2.3 of the zoning ordinance (please see requirements listed starting on page 3 of this form.)

_XX__E. A certified list of abutters within 300 feet of the site (from the City Assessor's office) -$25.

_____F. One copy of the Deed, Purchase and Sales, Lease or other document that shows the applicant's relationship to the Property.

_____G. One copy of the plans and other supporting materials in Portable Document Format (PDF)

NOTE: If submitting drainage calculations or other backup engineering data, only two (2) copies of this information are required, as well as one (1) electronic copy in HYDROCAD file format.

*****Impact study(ies) or other documentation may also be requested by the Planning Board**

4. Authorization (Must be Signed by the Owner of the Property)

I am the record owner of the property for which this application is being filed and as such, I am familiar with the work that is proposed for my property.

I agree to provide visual evidence of the Request for Permit Sign posted on the project property to Development Services in accordance with the City of Lowell Zoning Ordinance.

I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of the proposed work.

I further certify that under the penalties of perjury, I am authorized to sign this application.

Name (Please Print): Debra S Dieter

Title: Pres

Signature: Debra S Dieter

Date: 10/21/16

If representing a group, corporation, or other organization please attach a copy of the vote authorizing you to act on behalf of such organization for the purposes of this application.

Submit all required materials to:

Division of Development Services, City Hall, Rm. 51, 375 Merrimack Street, Lowell, MA 01852

Phone: (978) 674-4252 or (978) 674-4144

Relevant Regulations Governing Special Permits from the Lowell Zoning Ordinance:

11.3.2 Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the city or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on city services, tax base, and employment.

11.3.2a Criteria For Special Permits Sought Under Article XII: Table of Uses. For special permits sought under Article XII: Table of Uses and as outlined in Section 4.2 of this document, the Special Permit Granting Authority will only grant a special permit to a project that is consistent with the goals of the City of Lowell Comprehensive Master Plan. A narrative must accompany each application and provide significant information to address how the project meets these goals. At minimum, the narrative must answer the following:

Criteria for permits being sought under Article XII: Table of Uses must also meet the following:

A. Application to Master Plan:
   1. How does this project adhere to, apply, and promote the goals of the City of Lowell Comprehensive Master Plan? Successful projects should present specific connections between the goals of the Master Plan and the projects themselves.

B. Neighborhood Character:
   2. How does this project protect and enhance the character of the existing neighborhood? Successful projects should reflect the density, the urban design, the setbacks, height, and landscaping elements of surrounding buildings.
   3. How does this project provide for social, economic or community needs?
   4. Is the project consistent with the character, materials and scale of buildings in the in the vicinity?
   5. Does the project minimize the visual intrusion from visible parking, storage and other outdoor service area viewed from public ways and abutting residences?

C. Environmental Issues:
   6. Does the project have any negative impacts on the natural environment?
   7. Does the project minimize the volume of cut and fill and the extent of stormwater flow and soil erosion from the site?
   8. Does the project minimize the contamination of groundwater?
   9. Does the project provide for storm water drainage consistent with the local regulations?
   10. Does the project minimize obstruction of scenic views?
   11. Does the project minimize lighting glare on abutting properties?

D. Traffic, Access and Safety:
   12. How does the project address traffic flow and safety, including parking and loading? Does the project provide adequate parking for visitors to the residences? Will the project impact an area with significant on-street parking demand? Will the project require the loss of on-street public parking for driveway curb cuts?

13. Does the project provide adequate access to each structure for fire and service equipment and adequate utilities?
14. Does the project provide adequate and safe pedestrian and vehicle access through and around the project?

E. Additional Impacts

15. Are there any substantial impacts on public services and utilities?
16. Does the project have any negative fiscal impact on the city, including impact on city services, schools, tax base, and employment?
17. Does the project comply fully with the Zoning Ordinance, including parking, signage, landscaping, open space requirements, curb cut lengths and driveway widths?

11.3.4 Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this ordinance.

11.3.5 Plans. An applicant for a special permit shall submit a plan in conformance with the requirements of Section 11.2.4 (see the City of Lowell Zoning Ordinance), herein. Each special permit granting authority may establish procedures governing such applications by regulation.

11.3.6 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

11.3.8 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

Disclaimer: This page provides information regarding some pertinent sections of the Zoning Ordinance. It is provided for informational purposes only, and should not be construed as an official zoning document. Consult a certified copy of the complete zoning ordinance for official zoning regulations of the City of Lowell