



City of Lowell Planning Board

Application for Special Permit from the Planning Board

Effective June 1, 2007

OFFICIAL USE:

Date of Receipt: _____ Received By: _____ Date of Approval: _____
Complete _____ Not Complete _____ Date: _____

The following application is made to the City of Lowell Planning Board in accordance with the provisions of The Code of Ordinances, City of Lowell, Massachusetts, Appendix A thereof.

1. Application Information

Address of Property Location: _____

Owner: _____

Address: _____

Zip Code: _____ Telephone No. _____ FAX No. _____

Email: _____

Second Owner (if applicable): _____

Address: _____

Zip Code: _____ Telephone No. _____ FAX No. _____

Email: _____

Owner's Agent: _____

Title: _____

Address: _____

Signature: _____

Telephone No: _____ FAX No.: _____

Email: _____

Tenant/Lessee/Purchaser (If Applicable): _____

Title: _____

Address: _____

Signature: _____

Telephone No: _____ FAX No.: _____

Email: _____

2. Property Information

Zoning District: _____

Type Of Structures (Existing and Proposed on Property):

Residential: E____ P____ Commercial: E____ P____ Industrial: E____ P____

Institutional: E____ P____ Other: _____

Parking Spaces: Existing _____ Proposed _____

Land Area Square Feet: _____

Building Area Square Feet: _____

Number Of Stories: _____ Number Of Dwelling Units: _____

Occupied: _____ Partially Occupied: _____ Vacant: _____ Vacant Land: _____

3. Please check all that apply:

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

- Section 3.3.1 (lots over city boundaries)
- Section 5.1.10 (lot width)
- Section 5.2.9 (large SSF lots with reduced frontage)
- Section 6.6 (refuse containers)
- Section 6.7.2 (driveway length)
- Section 6.7.3 (driveway grade)
- Section 8.1 (building conversion) **REQUIRES ADDITIONAL FORM**
- Section 8.1.3(10) (waiver of requirements for building conversion)
- Section 9.4 (Neighborhood Character Special Permit)
- Article 12 (use by special permit) **REQUIRES ADDITIONAL FORM**

Please note that the Zoning Board of Appeals is the Special Permit Granting Authority for all other Special permits, except the Planned Residential Development special permit. For ZBA special permits please use the ZBA Application Form instead of this form. For a PRD, use the PRD application form instead of this form.

4. Please check any that apply:

- The applicant is also requesting a special permit or permits from the ZBA
- The applicant is also requesting a variance or variances from the ZBA

5. Special Permit Submission Requirements

If the applicant is submitting a subdivision, ANR, or site plan application; please submit the full submittal requirements for the associated application, along with 13 copies of the Special Permit Addendum. ***You need not use this application form!***

If the applicant is requesting just the special permit, the applicant must provide the following.

Please check off that all items are enclosed:

- _____ A completed application form (this form)
- _____ A narrative addressing how the project meets the specific standards listed on page 3.
- _____ A certified list of abutters within 300 feet of the site (from the Assessor’s office)
- _____ 13 copies of adequate plans to allow the Board to address the project and the standards for issuing the permit. Plans must meet the standards outlined on page 7¹

¹ Sections 11.3.5 and 11.2.4 of the Zoning Ordinance.

Requirements for special permits:

General criteria for granting special permits include consideration 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.

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?

Additional specific criteria include:

- For Section 6.6 (refuse containers): The applicant must still comply with section 10-74 of the Code of Ordinances.
- For Section 6.7.3 (driveway grade): The Planning Board may grant a special permit only “after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.” The burden is on the applicant to provide proof that the fire, police and emergency services responders in the City of Lowell will have safe and reasonable access.
- For Section 8.1 and 8.1.3(10) (building conversion), and for Article XII (SP for use by Planning Board) an additional form is required.

5. 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 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): _____

Title: _____

Signature: _____

Date: _____

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.

An application will not be considered complete and will not be submitted to the Planning Board for its action until all required documentation/information has been submitted to the Planning Board Administrator and filed with the City Clerk by the correct deadline. Regular meetings of the Planning Board are generally held on the first and third Monday of the every month (only one meeting is held in July, August, and December). Completed site plan applications are generally due by NOON on the Friday that is 31 days prior to the regularly scheduled Planning Board meeting when a public hearing will be held. For a complete schedule, please contact the Planning Board Administrator or log on to www.lowellma.gov/depts/DPD/permitting.

Submit all required materials to:

Aaron Clausen, Associate Planner/Planning Board Administrator
Division of Planning and Development, JFK Civic Center, 50 Arcand Drive, Lowell, MA 01852
(978) 446-7200, fax: (978) 446-7014, email: aclausen@lowellma.gov
www.lowellma.gov

Zoning Code Sections Referencing Special Permits Issued by the Planning Board

3.3.1 General (Regulations for Lots Crossing City Boundaries). Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply: (5). When a lot in one (1) ownership is situated part in the city and part in an adjacent city or town, the regulations and restrictions of this chapter governing active uses of the land shall be applied to that portion of such lot as lies in the city in the same manner as if the entire lot were situated therein; provided, however, that by the grant of a special permit, the Planning Board may vary this requirement.

5.1.10 Lot Width. Each lot shall have a width of not less than eighty (80%) percent of the required frontage at all points between the sideline of the right of way along which the frontage of the lot is measured and the nearest point on the front wall of the structure upon such lot. Such width shall be measured along lines which are parallel to such sideline. This provision may be varied upon the grant of a special permit by the Planning Board.

5.2.9 Frontage Reduction for Large SSF Lots. Lots in existence on the effective date of this ordinance in the SSF zone which contain a minimum of 20,000 square feet of lot area may be considered buildable with a minimum of forty (40) feet of frontage. Larger lots may be subdivided in such a manner as to leave each new buildable lot created with at least 20,000 square feet of lot area and forty (40) feet of frontage with a special permit granted by the Planning Board.

SECTION 6.6 REFUSE CONTAINERS All refuse containers subject to the provisions of section 10-74 of the Code of Ordinances of the City of Lowell must comply with all applicable provisions. All refuse containers for uses other than single family homes shall also meet the following conditions, which may only be waived with a special permit granted by the Planning Board:

1. Refuse containers should not be visible from the street.
 2. Refuse containers shall be set back from the front property line at least as far as the primary structure on the property. No refuse container shall be located in the front yard.
 3. Refuse containers shall be enclosed or screened by a structure constructed out of the same or similar materials to the primary structure on the property. The enclosure shall screen the containers from view from the public way and protect the containers from raccoons, rodents, and other pests.
 4. Outdoor refuse containers shall not be stored within ten feet of exterior windows or doors that open directly onto habitable space within housing units on the basement, ground, or first floors of buildings containing housing.
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6.7.2 Maximum Distance (of Driveways). The distance of any driveway measured from the street line to the point where the principal building is proposed shall not exceed a distance of two hundred (200) feet, unless the Planning Board grants a special permit after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.

6.7.3 Grade (of Driveways). The grade of each driveway where it intersects with the public way shall not exceed six percent (6%) for a distance of 30 feet from the travel surface of the public way unless the Planning Board shall grant a special permit after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.

See separate applications for a review of Special Permits under Section 8.1, 8.1.3 (10) and Article XII.

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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?

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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 below), 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.

Applicants must submit a plan containing the following data:

(Applicants applying also for site plan review need to meet the application standards for site plan review)

- a. It shall be drawn at a scale of one (1) inch equals twenty (20) feet unless another scale is requested and found suitable by the Board;
- b. The plan shall be prepared by a registered land surveyor, professional engineer or architect;
- c. The scale, date and north arrow shall be shown;
- d. The plan shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s) setbacks, and other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury;
- e. The corner points of the lot* and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked;
- f. Lot* number, dimensions of lot* in feet, size of lot in square feet, and width of abutting streets and ways;
- g. Easements within the lot* and abutting thereon;
- h. The location of existing and proposed building(s) on the lot;
- i. The dimensions of the existing and proposed building(s) in feet;
- j. The distance in feet of existing and proposed building(s) from the lot lines;
- k. The distance between buildings on the same lot;
- l. The percent of the lot* area covered by the building(s);
- m. The average finished grade at each building;
- n. The elevation above average finished grade of the floor and ceiling of the lowest floor of each building;
- o. Topographical lines at one-foot intervals;
- p. The use of designation of each building or part thereof, and of each section of open ground, plaza, or useable roof space;
- q. Quantities and locations of existing and proposed parking spaces;
- r. Height of each building above average finished grade;
- s. Number of apartments, hotel rooms, meeting rooms, and restaurant and theater seats;
- t. Total square feet of floor space for each use;
- u. Dimensions and size in square feet of all landscape and recreation areas, and depiction of materials to be used (grass, five-foot shrubs, etc.).

* Refers also to series of contiguous lots under single ownership.

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