



# City of Lowell - Planning Board

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## Planning Board Meeting Minutes

Monday May 18, 2020 6:30 p.m.

Conducted via Go-To-Meeting

**Note:** These minutes are not completed verbatim. For a recording of the meeting, visit [www.ltc.org](http://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

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A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:37pm.

### I. Minutes for Approval

April 23, 2020

G. Frechette motioned and R. Lockhart seconded the motion to approve the minutes. The motion passed unanimously, (5-0).

### 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 Neighborhood Multifamily (TMF) zoning district. The applicant proposes to demolish the existing structure, subdivide the lot and construct four (4) townhouses on Lot A, and four (4) townhouses on Lot B. The applicant is seeking 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 to continue this petition to the June 15 Planning Board meeting.

On behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

R. Lockhart motioned and C. Cheng seconded the motion to continue the petition to the June 15 Planning Board meeting. The motion passed unanimously, (5-0).

**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 to continue this petition to the June 15 Planning Board meeting.

On behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to continue the petition to the June 15 Planning Board meeting. The motion passed unanimously, (5-0).

**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.

On Behalf:

James Valeriani, Applicant's Attorney  
Ken Cram, Bayside Engineering  
Irene Tarshi, Property Owner  
Blake Mensing, Applicant's Attorney

J. Valeriani: The applicant for Tier 3 cultivation facility. Sixth cultivation facility in Lowell. Light industrial district. 18,000 sq. ft. warehouse constructed in 1970s. Currently used by International Car Parts; they are only utilizing 8,000 sq. ft. currently. Client looking for full utilization. There are no residential abutters to facility, commuter rail line in rear, large industrial area/auto body in front. We have easy access to loading dock on left side. Deliveries would be random and intermittent throughout the work week. There's no concern of trucks coming in. Meets ability to back in. Light vans would be mode of delivery. Requested a number of waivers with application. Requested a waiver of stormwater analysis, entire area is paved. Catch basin on site; two others on Dix St. No stormwater issues. We have a relatively new rubber roof on the building. Seeking mechanical and ventilation in connection with use located outside on wall to the rear. Large loading dock would allow us to place auxiliary generator as well as mechanical equipment. We would have 8 employees on site, less than required spaces. Did get signed off from LPD on the security plan. Architectural plans would be prepared for the building department and CCC. With site plan review regulations, we are not making any changes to the building. No signage other than security and owner ID. Spruce it up a bit. We were hoping to go

ahead on April 6, we are here tonight. We meet all of your requirements, setbacks for the City and CCC ordinance. Application pending for 6 weeks. Can move into architectural and building construction plans. I don't see any downside, great facility, allows great flexibility with lighting, heating, air conditioning with climate control systems we will put in place. A good location for all parties. Welcome any input.

In Favor:

None

In Opposition:

None

Discussion:

R. Lockhart: Can you describe your design to mitigate control odor?

J. Valeriani: Carbon infiltration system. Negative pressure inside building. UV light system included to disintegrate bacteria/mold. We want to be airtight so no scent or air infiltration into the building. Engineering specializes in this field of work. Memo to share on this call.

K. Cram: I'll just read 2 paragraphs from letter. To prevent odor from cannabis, the following steps will be taken: vestibules at all egress points negative pressure. Prevent odor movement throughout the building. Air handling units to prevent odor leakage. Use-activated carbon filters.

R. Lockhart: Maintenance group to maintain system? Plans to contract that out to an outside service system, to maintain integrity of odor control.

J. Valeriani: Yes, pre-screening, maintenance, would be inspected and replaced according to manufacturer specifications. Need to prevent scent and air particles from entering the building. Would be part of the maintenance plan.

B. Mensing: Carbon filters have three month shelf life. Would be changed out quarterly.

R. Lockhart: Outside lighting referenced in documentation. Could you describe?

J. Valeriani: Would be downcast lighting in evening. Would light areas of building, sits up to commuter rail. Would be broadcast down toward railroad tracks, would not leave perimeter. No light pollution leaving premises.

G. Frechette: Have approval from LPD. SW&R approved site plan. Comment from solid waste that they need to make sure that it is large enough for kind of container being used. A little question mark, caveat. Also staff asks about how many employees will be employed at site.

J. Valeriani: We are anticipating 8 employees on any given workday. Flexibility. A few visitors. Traffic, no transportation impact of any sort for new use. The waste receptacle allows for waste removal truck to come in, with all parking. Tier 3 grow facility, would start with 8-10,000 grow area and would expand. Flexibility to expand the dumpster if necessary. Lots of flexibility on loading dock.

G. Frechette: No direct residential abutter. There are some residential homes very close. On lighting itself – lights on 24/7, shut off in evening? What is the intent there? Could be conflict with LPD.

J. Valeriani: LPD did approve. Lighting will be downcast and will be shown above entryways and immediate areas of building. Can't think of any scenario where it would impede offsite, detectable off site. In an urban setting, residential is in close proximity to industrial uses. Our lighting will be limited just to the footprint of the building.

G. Frechette: Will there be a time restriction? Closing time?

J. Valeriani: Lighting on entryways throughout the night. Not loading docks. Will comply to conditions from this Board and LPD.

GF: There's a balance there between LPD and don't want to spray light off-site; depending on home, could have effect.

B. Mensing: With security at the forefront, motion activated lights on areas not in front of building. Security cameras have low level settings to account for that. Mindful of neighbors. I am understanding of that sensitivity and will take that in account.

G. Frechette: The pavement on-site, marking off the parking spaces. To the left of the building, going out there, facing the building to the left, pavement is deteriorated to point where it's not pavement. It's dirt. This is an opportunity here. Even though LI zone, bring up the level of how the area looks. Although not palatial lawn, pavement should be redone so that it has a better presentation.

J. Valeriani: The right side of pavement, pavement is fine. On left, concrete surfacing deteriorated. Would hire contractor to redo, minimal landscaping. Can't have too much for security purposes. Will have pavement resurfaced.

G. Frechette: They have provided with elevations and even hardscape with landscaping. Granted, in LI zone, but if you look down streets that come down to Dix street. Opportunity to soften a bit. Incumbent to maximize opportunity.

J. Valeriani: We do have some grass and soil areas on both sides of building. Hardy plants, mulched areas. We agree, landscaping should be high visibility for security. Elevations, existing warehouse from 1970s, other than paint, no signage or changes to exterior. Didn't feel elevations were necessary. I think they will meet desires of Board.

G. Frechette: At least make subject to approval of landscape plan by DPD. "Spruce it up" - whatever DPD feels is appropriate. If they don't agree, come back to Board.

J. Valeriani: We are trying to satisfy snow storage area. We do have ground area to work with.

B. Mensing: Amenable to that as a condition.

G. Frechette: References comment from stormwater team regarding the requirement to detain stormwater in the event of a 5-year, 24 hour storm. Would have to make condition of approval in order to get special permit. Overall, we are looking for these types of facilities to go into zones, just bear in mind it is an opportunity. Odor control – we are concerned about that and that would be a condition as well.

S. Gallivan: Because Arch plans weren't submitted – there are 7 parking spaces against the building. Looking at photos of building, the entrance in middle of façade seems to intersect with those spaces. Will entrance/parking spaces get reconfigured?

J. Valeriani: Yes, given flexibility we have, we anticipate that entrance being on right. Have space get set back for adequate space for pedestrians.

S. Gallivan: Looks tight but looks like you can make it work.

C. Cheng: Nothing to add. Think we covered all the issues I'm concerned with.

R. Pandres: I noted on staff memo since there was earlier discussion about stormwater – bluroof?

J. Valeriani: We did look at that. Not something we are able or willing to do given the structure. Existing structure. Engineering did a stormwater analysis for us, no problems with stormwater. Rubber roof relatively new. Steel structure, concerns of ability to hold anything but snow. Understand being an idea but not feasible for us.

T. Linnehan: Applicant has addressed comments.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to GRANT Site Plan Review approval with the following conditions:

- 1) The applicant will adhere to state requirements to mitigate odor control. The applicant shall comply with the odor mitigation plan that was submitted to the satisfaction of the City of Lowell.
- 2) The applicant agrees to repave the surface lot on the southeast side of the building.
- 3) The applicant will submit a landscaping plan to be approved by DPD staff.
- 4) The applicant will submit a stormwater analysis showing that all stormwater will be detained on-site for the first two hours of a 5-year, 24-hour storm.
- 5) The applicant will comply with solid waste and recycling requirements based on the capacity needed.
- 6) The glare from lighting used for the exterior of the facility will remain on-site.
- 7) The applicant will work with DPD staff regarding any alternatives to methods used to lighting, subject to LPD approval, as well.

The motion passed unanimously (5-0).

**Special Permit: 1582 Varnum Ave 01854**

Joseph Silva is seeking Special Permit approval to subdivide a lot with an existing single-family home and build a single-family home on the new lot. Each new lot would have reduced frontage of 75 feet, where 90 feet of frontage are otherwise required. The property is in the Suburban Single-Family (SSF) zoning district and requires Special Permit approval under Section 5.1.1(7) for reduced frontage and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

John Geary, Applicant's Attorney

J. Geary: Allow for reduction of frontage by 15 feet. Client gutted and rehabbed existing home. Could not see home from street due to overgrowth. My client anticipates spending \$350-400,000 on renovating. Criteria for issuance, redevelopment promotes the master plan by providing high quality, safe, housing, energy efficient. As I previously mentioned, this redevelopment will include complete rehab of existing home and new home. Single car garage. No significant impact on traffic. Will be connected to city sewer. Both properties complement and enhance existing neighborhood. Other properties have 75-90 feet in frontage and smaller and larger lot sizes. Open space and wooded areas preserved. Staff comment noted that leaving lots in back allow habitat and wildlife corridors to stay in place. For those reasons, we meet criteria for issuance of Special Permit.

T. Linnehan: Reference the comment memo from April 13.

J. Geary: Height on zoning chart in landscape plan. Meets requirements in the zoning district. Frontage reduction from 90 to 75 feet, natural habitat and wildlife corridor. Those items have been addressed. The Building Department references possibility for walk up attic and living space on lower level. It's possible it will have walk out basement and livable space. New construction will not have walk up attic, pull down attic. No additional living space on third floor. Meet height requirements of zoning district. Comments reference downhill slope, good mix of usable open space and wooded area. Applicant is proposing to clear enough to have a yard but keep wooded area, most of the slope. Happy to answer any other questions.

Richie Anderson and Michelle Taylor, 1578 Varnum Ave: Immediate neighbors. No concerns. Property already looking 100x better. Excited for how it will look. Lisa has been good at speaking with us about what we want. Appreciate them asking for input.

T. Linnehan: Good to hear you have no problems. Nice to hear they have been in communication.

Steven Sharaffa, 1600 Varnum Ave.: Abut other side of property. I also have been talking with Lisa and appreciate her getting involved. Concerned on privacy issue. Wooded area. Shrubs in property and fence on my property line, 100 feet or so. Other than that, will bring the neighborhood up. Will look nice.

C. Cheng: Question about yard. Is the applicant intending to leave as lawn, other pavement or tiered type of landscaping? I don't see that on the plan.

J. Geary: Landscape plan shows front of property with greenspace and driveway and greenspace on back. Joe and Lisa, how many feet to back of house are you clearing?

Joe and Lisa, Applicants: Cleared 100 feet. When its finished, it will be mostly green grass and shrubbery. Ill accommodate whatever the neighbors want.

G. Frechette: I like the design of the house, has a lot happening with roof line and dormers and porch. I like the returns on the dormers as well. I think architecturally very pleasing. Home to the right, garage faces the lot. That will provide some privacy. What I'm trying to determine, the landscape plan – shows what would appear to be shrubbery or higher growth around perimeter. Doesn't give a sense of what type of vegetation. Neighbors mentioned screening. I don't know with that slope if a fence would look good. Would like to have a better idea of type of shrubbery. Providing privacy for who buys this home. Benefits everybody.

Joe & Lisa: We understand about fence. Joe has been thinking some shrubbery that would grow taller. As realtor, want to make point that once a buyer comes in, they might say they don't want trees. Willing to work with Board. Whatever necessary to make both neighbors and future buyer happy. This is Joe's livelihood, willing to do what it takes. Whatever the Board recommends, willing to follow.

G. Frechette: Question on site plan. Application says both lots would have 75 foot frontage. Lot 2 says 70.49. I think that was a mistake.

J. Geary: If you look at the distance measurements. Easterly corner, another 4.51 feet from edge of driveway to lot line.

G. Frechette: We run into this for reduced lot line. Make condition that staff review and if they have issues – architecturally, have a lot going for it. Don't think it's too much of a deviation from other homes that abut the property as you head back toward Lowell. I don't think this is going to throw it off. Has a lot going for it, meets all other

dimensional requirements. Usually have issues when it creates other issues, not the case in this application. From that perspective, I'm in favor of what is being proposed.

T. Linnehan: Echo what Caleb and Jerry said. Nice that both neighbors were worked with. Nice to reach out to neighbors, work with them for privacy and landscaping. I agree with any type of landscaping plan that would help the neighbors as well as future owners. As Jerry indicated, if we could get a small design review process from DPD as a condition, I don't think Fran would have to put in length. Comments could be incorporated as part of design review process. I think it's a good project. My first thing I noticed was slope in the back. Hearing from applicant, concern set aside. Close to city line. As Jerry said, not requesting other waivers. Usually we see a lot of relief, tells me things are too small. Only one request. No problem with project. Would benefit neighborhood.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion the APPROVE the Special Permit with the following conditions:

- 1) The applicant shall finalize the landscaping plan consulting with abutters and subject to final approval by DPD staff.
- 2) The applicant is subject to final design review by DPD staff.

The motion passed unanimously (5-0).

**III. New Business**

**IV. Other Business**

**V. Notices**

**VI. Further Comments from Planning Board Members**

R. Lockhart: The Historic Board did not meet. There's very little business right now. Meet again in June.

G. Frechette: There is a NMCOG meeting Wednesday. Little to report

C. Cheng: Interested in how CARE act will impact NMCOG.

G. Frechette: I'll give you a report after the meeting. Honestly, my day job is in banking and a lot of concern about long term effects to the economy. Very much unknown. Think there's going to be a slow return back to normalcy, will also be slow and painful process for local businesses. We don't know the results at this point in time. Regionally, will be interesting to see what happens. Will point back from regional planning perspective. Some possible effects to real estate market. Still strong market. Still lack of inventory. There is a waiting line for people to view properties.

**VII. Adjournment**

R. Lockhart motioned and G. Frechette seconded the motion to adjourn the meeting at 7:43 PM. The motion passed unanimously, (5-0).