



**Christine McCall**  
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**R. Eric Slagle**  
*Director of Development Services*

**David Fuller**  
*Building Commissioner*

TO: Eileen Donoghue, City Manager *EMD*

FROM: R. Eric Slagle, Director of Development Services

DATE: June 4, 2021

RE: Motion by C. Mercier - Req. City Mgr. Have Proper Department Investigate And Report To City Council The Situation On Maple Street Concerning A Masonry Company's Sifting Of Dirt And Excessive Noise.

This memorandum addresses the requests from Councilor Mercier regarding the situation in the industrially zoned land off Maple St.

The City was first made aware of the situation on Thursday, May 13, 2021 in a complaint from a neighbor. The Building Commissioner immediately reached out to the resident and has been in contact with her multiple times since then.

The concerns raised are actually regarding two separate businesses on two distinct lots. The first is situated at the Montreal/Quebec St area, and extends down to the Lincoln St bridge. This property is owned by a business owned by Jeremy McSorley. The property was purchased back in 2019. The owner petitioned to have the area changed from a residential use to Light Industrial use through the City Council, and was approved. Unfortunately, the business never officially declared what their intentions were, and they thought that they could operate a processing business because they had got the zoning change. They neglected to get approval for the operation through the City of Lowell Planning Board. That business was shut down for this reason. They are in the process of cleaning up the site and have until July 6, 2021 to complete the cleanup. They were given a 90 day window by Building Commissioner. The use of that site after the cleanup will require City approval.

The second site is 282 Lincoln St. As the Council may be aware, the area was expanded by virtue of the cleanup of the homeless camp and the subsequent trash removal. The original small parcel houses 3 masonry companies. L & A Masonry, one of the companies, assisted in the cleanup, for the use of the new usable space, the assumption being, on their part, that there was another company in the same area doing the same type of work. They were bringing soils and materials from jobs that they excavated to their 282 Lincoln St. space. They processed a large amount of the material that they brought in, and were taking the screened loam out to their jobs. When it was brought to the Building Commissioner's attention, he ordered them to stop the operation, which they have. The screening machine has been decommissioned until such time that they have permission to use it or take off of the site. The business has started the process of applying with the Planning Board for the use of the site.

The trucking of material from the site was allowed. The Building Commissioner's reasoning is if the business is ultimately denied their operation, they will be required to remove the materials they

brought in, so he has allowed them to start the process. They will be installing a gate into the processing site by the end of day June 2, 2021 to prevent anymore vehicular traffic until there is a ruling from the City of Lowell.

Janet Waldron of Mass DEP, has been involved with the property owners, Tanner St Development LLC, in accessing any disturbances. The removal of the 6" binder coat behind the Silresim site has not happened. The business was not excavating or processing any soils from the 282 Tanner St. site, only soils they brought in from offsite.

Development Services takes these concerns very seriously and is doing its best to address these issues, while keeping the resident informed.

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