



Christine McCall
Assistant City Manager/DPD Director

R. Eric Slagle
Director of Development Services

David Fuller
Building Commissioner

TO: Eileen Donoghue, City Manager *ED*
FROM: R. Eric Slagle, Director of Development Services
DATE: July 20, 2021
RE: River's Edge Development Status

This memorandum is to provide information regarding the status of the River's Edge development. As the Council is aware, this project is the redevelopment of Julian Steele housing development off Gorham Street in South Lowell. Here is an abbreviated timeline of the project:

1. October 2003 – Original Special Permit applied for 180 residential units (90 single family and 45 duplexes)
2. December 2003 – Notice of Intent filed with the Conservation Commission
3. January 2004 – Subdivision applied for with the Planning Board

In the subsequent years, the applicant, Residents First Development Corporation ("RFDC") appeared back before both the Planning Board and the Conservation Commission to amend the Special Permit and to extend the Order of Conditions. In 2009, the applicant amended the project to eliminate 9 building lots on an upland area that would have required a wetlands crossing that was deemed not economically feasible. The mix of units in the remaining project was altered at that time to maintain the total unit count.

The contractor for the project, O'Brien Construction Enterprises, LLC ("O'Brien"), constructed all of the units approved on the amended plan up to Phase 5, which has yet to be constructed. The last of the constructed lots were released in 2015.

Also in 2015, O'Brien began doing site work on the undeveloped area that constituted Phase 5, which is the area closest to the Concord River. As part of this work, O'Brien performed demolition on ledge in the area, and stockpiled the ledge material in 7 separate small stockpiles on the property. O'Brien also completed construction of a series of retaining walls on the far eastern edge of the property. At the completion of the retaining walls, a partial Certificate of Completion was issued to the applicant for that work. There is currently a claim being made by O'Brien to the RDFC concerning payment for this work, which was permitted at the time it was performed. Watermark has prepared a report for a Lowell Housing Authority ("LHA") non-profit arm, Revitalization Efforts towards New Urbanism, Inc. ("RENU") regarding the fair market value of this work. The City is not a party to the contract between the RDFC and O'Brien, and has no liability for any costs associated with this work. At this time, the City's primary relationship to this project is in a regulatory capacity.

In the summer of 2020, as part of the remobilization of equipment by O'Brien, the 7 stockpiles were consolidated into 3 larger piles, and removed from the 100' buffer zone surrounding the wetlands. Development Services staff inspected the work site at River's Edge on July 14, 2021. As a result of the site visit, staff determined the actions necessary to bring the property into compliance. (Please see the attached letter dated July 21, 2021). On July 22, 2021, staff met with O'Brien onsite to indicate the specific steps to be taken, which the applicant is working on at the time of this memorandum.

In a subsequent development with the completion of the project, the RDFC applied for a zoning change to change zoning in undeveloped area from Traditional Two-Family (TTF) to Suburban Multi-Family (SMF). After the clarification of some concerns raised by the Planning Board, on December 8, 2020, the zoning change was approved unanimously by Lowell City Council.

In order for the RDFC to proceed with the project and construct additional units in the Phase 5 of the development, the following things have to take place:

1. The applicant will need to present a new plan to DHCD, and get their approval;
2. The applicant will need to present the DHCD approved plan to the Lowell City Council for approval;
3. The applicant will need to appear before the Planning Board to close out the old Special Permit and Subdivision approval, and apply for a new Special Permit and Subdivision approval for the units proposed for Phase 5. These items can likely proceed at the same public hearing;
4. The applicant will need to appear before the Conservation Commission to close out the old Order of Conditions and apply for a new Order of Conditions for the work proposed for Phase 5. These two items can proceed at the same public hearing.

Since the zoning change, the City has not received any applications from the RDFC, nor are we aware of any correspondence with DHCD. We will keep the City Council apprised of any developments on this matter.

ES

July 20, 2021

Christine McCall
Assistant City Manager/Director

R. Eric Slagle
Director

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Building Commissioner

Residents First Development Corporation
141 Shaughnessy Terrace
P.O Box 8617
Lowell, MA 01853

July 21, 2021

Dear Residents First Development Corporation,

Staff inspected the work site at River's Edge Road on July 14, 2021. As a result of the site visit, staff determined two actions necessary to bring the property into compliance:

1. Secure gravel/loam stockpiles to ensure that no material may erode into the adjacent Conservation jurisdictional area; and
2. Repair silt fence compromised in several locations.

Please provide staff with a timeline outlining when this will be completed.

I look forward to hearing from you.

Sincerely,



Francesca Cigliano
Senior Planner

cc: Eric Slagle, Dir., Division of Development Services
Gary Wallace, Lowell Housing Authority
Kevin O'Brien, O'Brien Construction Enterprises, LLC
Kevin Murphy, the Murphy Law Offices