



City of Lowell - Law Department

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Corey F. Williams
City Solicitor

MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager 
FROM: Corey F. Williams, City Solicitor 
CC: Yovani Baez-Rose, Assistant City Manager/DPD Director
DATE: January 27, 2026

SUBJECT: MOTION RESPONSE: 1/13/26 - C. Scott - Req. City Council approve a temporary moratorium on the permitting and approval of new or expanded data center facilities in the City of Lowell until zoning and planning regulations are updated to protect residents, including required buffer zones, noise standards, screening and protections against water and electric rate impacts.

In response to the above-mentioned Motion from Councilor Scott, please see the proposed ordinance on tonight's agenda regarding a temporary moratorium for data centers in Lowell. Tonight is the first reading for the ordinance, at which point it shall be referred to the Planning Board for a public hearing, report, and recommendation. Once the Planning Board's recommendation is submitted to the City Council, a Public Hearing will be held and any vote to adopt this ordinance will require a 2/3 vote of all the members of the City Council, as required by statute (M.G.L. c. 40A s. 5).

In defining "Data Center," we relied on draft regulation language that has been established by the Massachusetts EOED (Executive Office of Economic Development). Further, the Law Department reviewed numerous municipal data center moratoriums from across the United States. Data Center moratoriums are still new in Massachusetts, so finding an exact match in the Commonwealth proved less helpful. However, we were able to review similar zoning moratoriums in several other Massachusetts municipalities. While not directly related to Data Centers, all zoning moratoriums must follow the same statutory procedure, so using them for comparison purposes was very helpful.

The critical aspects of a zoning moratorium are to establish a definite period, to specifically list the reason for the moratorium, and for the municipality to show they are actively working on and participating in a "study" that will address the concerns cited in justifying the need for a

moratorium. We are of the opinion that the moratorium ordinance before you tonight satisfies all the above.

As it relates to the “study” mentioned above, the Department of Planning and Development has Community Scale LLC under contract for a Comprehensive Zoning Review. A Zoning Audit informational from Community Scale was presented to the Council on December 9, 2025. Next steps in the process include a future meeting and presentation to a joint Neighborhoods and Zoning Subcommittee as requested by the Council and the creation of a steering committee. This comprehensive zoning review will include a robust community process and will include several potential zoning recommendations. As a part of this important community discussion, DPD has informed Community Scale of a potential moratorium on Data Centers, and that we will need to include review and recommendations related to Data Centers in any future recommendations brought forth to the Council. DPD is confident they will be able to meet the timeline established in this moratorium.