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OFFICE

\*Admitted in MA and NH

August 9, 2018

Michael Geary, City Clerk  
City of Lowell  
375 Merrimack Street  
Lowell, MA 01852

Dear Mr. Clerk:

Please accept my client, Winn Companies' petition requesting that the City of Lowell convey a perpetual easement to Parcels 8 & 9 (city-owned property) in the Hamilton Canal District over a portion of the (currently under construction) bridge right-of way that bifurcates the two parcels.

Also attached is my client's memo which details the history and context for this request.

Thank you in advance for your cooperation in this matter.

Sincerely,



Kevin P. Broderick, Esquire

cc: City Manager Eileen Donoghue  
City Solicitor Christine O'Connor  
Assistant City Manager/DPD Director Diane Tradd  
Superintendent Celeste Bernardo, Lowell National Historical Park

August 9, 2018

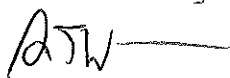
Mayor William Samaras  
and  
Members of the Lowell City Council  
Lowell City Hall  
375 Merrimack Street  
Lowell, MA 01852

Dear Mayor Samaras and Members of the Lowell City Council,

Please accept this letter as a petition requesting that the City of Lowell convey a perpetual easement to Parcels 8 & 9 (city-owned property) in the Hamilton Canal District over a portion of the (currently under construction) bridge right-of way that bifurcates the two parcels. The easement will allow for the necessary development rights to construct and maintain a skybridge connecting the mixed-use structures on Parcels 8 & 9 envisioned by the City. This easement, allowing the structures on Parcels 8 & 9 to function as one development, is vital to the feasibility of future mixed-use development.

The attached memorandum details the history and context for this request. Should you have any additional questions, please do not hesitate to contact my office at 617-742-4500 or [gwinn@winnco.com](mailto:gwinn@winnco.com).

Very truly yours,



Gilbert J. Winn  
Chief Executive Officer

Enclosure

cc: City Manager Eileen Donoghue  
City Solicitor Christine O'Connor  
Assistant City Manager/DPD Director Diane Tradd  
Superintendent Celeste Bernardo, Lowell National Historical Park



## MEMORANDUM

To: Gilbert J. Winn, CEO, WinnCompanies

From: Matt Curtin, Assistant Project Director, WinnDevelopment

CC: Michael O'Brien, Executive Vice President, WinnCompanies  
Adam Stein, Senior Vice President, WinnDevelopment

Date: August 9, 2018

RE: Lowell City Council Petition for Parcels 8 & 9 Easement over Lower Pawtucket Canal Signature Bridge Right-of-Way

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At the recommendation of the City Manager and the Hamilton Canal Innovation District Review Group, WinnCompanies (Proponent) is required to petition the City of Lowell to allow the City to convey an easement to Parcels 8 & 9 over a portion of the (currently under construction) bridge right-of way that bifurcates the two parcels (both of which are City-owned property). The easement will allow for the construction of a skybridge connecting the two mixed-use structures on Parcels 8 & 9 envisioned by the City. This easement, allowing the structures on Parcels 8 & 9 to be constructed, maintained and function as one development, is vital to the feasibility of future mixed-use development and is illustrated on the attached plans. The easement would run in perpetuity and run with the Property (Parcels 8 & 9)

The Proponent desires to construct the skybridge as a means of allowing the residential component on each parcel to function as "one" development. This functionality is critical to the feasibility of any contemplated project for the following reasons:

1. In order to successfully attract the tenancy desired by the City of Lowell, sufficient amenities must be provided – to include a signature roof deck, gym, yoga studio, and club room. These amenities must be accessible to all residents via interior connections. The lack of an easement for a skybridge would be a substantial impediment to successfully leasing up the residential units.
2. The lack of an easement for a skybridge would necessitate the duplication of certain project components – such as mechanical conveyance systems and stairwells – that increases project costs to a degree that renders it unviable.



3. The Department of Planning and Development, the Hamilton Canal Innovation District Review Group and the Lowell Historic Board have been regularly consulted regarding the project plans and have endorsed the proposed skybridge's design.

The proposed skybridge will be constructed and maintained entirely at the Proponent's expense; at no cost to the City of Lowell. It will also conform with all clearance requirements for public safety/emergency vehicles. The Proponent has applied for the variance associated with the skybridge and will appear before the City of Lowell's Zoning Board of Appeals on August 27, 2018.

The mixed-use development at Parcels 8 & 9 will be financed in part with competitive resources provided by the Commonwealth's Department of Housing and Community Development (DHCD). DHCD has advised the Proponent that a condition of funding is receipt of Lowell City Council approval to obtain an easement, or City Council approval for the easement, to build the skybridge connecting the two parcels over the City's right-of-way; DHCD has specified this must be received no later than September 10, 2018. With your support, the next step in this process is to submit a formal request in the form of a petition to the Lowell City Council to obtain the necessary property rights for Parcels 8 & 9.

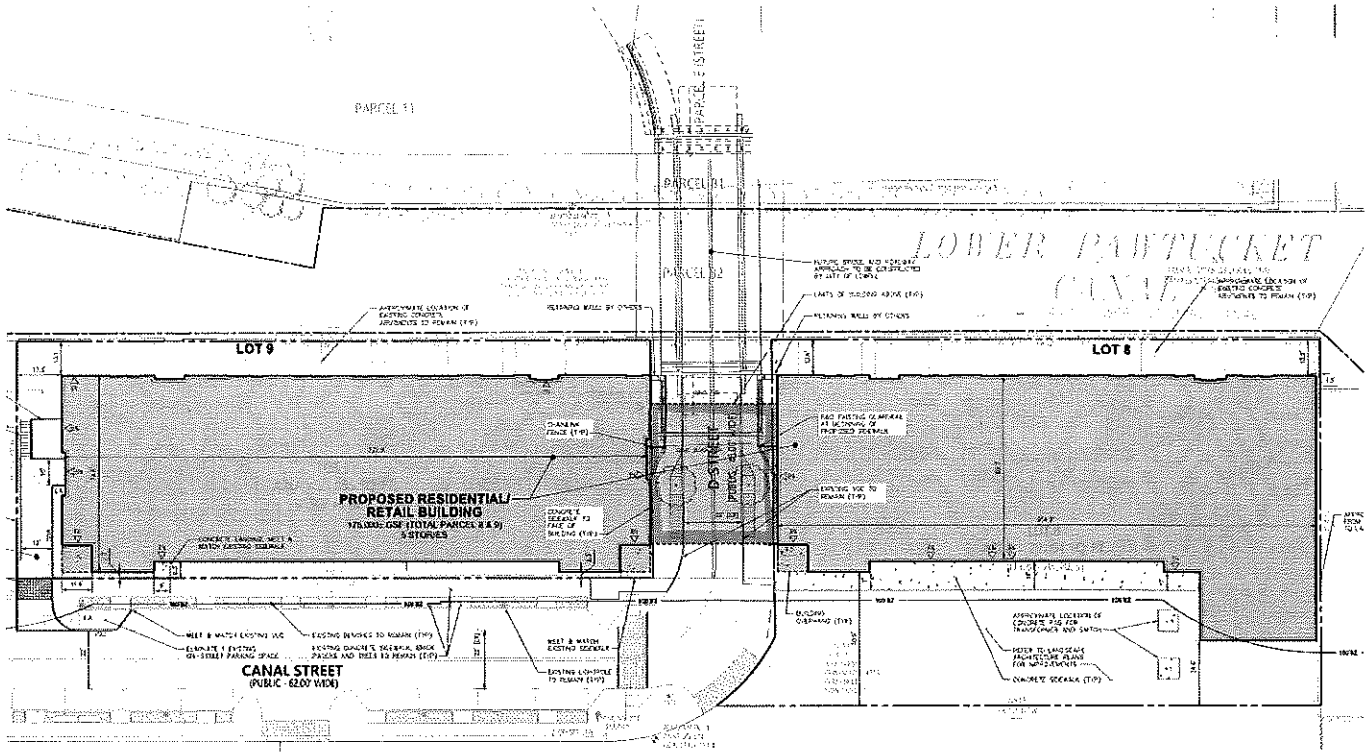




Perspective #1 Showing Proposed Skybridge



Perspective #2 Showing Proposed Skybridge



Survey Plan Showing Proposed Easement Area (Outlined in Yellow)

HCID Review Group

November 22, 2017

Adam Stein  
Senior VP, WinnDevelopment  
6 Faneuil Hall Marketplace  
Boston, MA 02109

Dear Mr. Stein:

Attached please find the Hamilton Canal Innovation District Review Group's findings pertaining to your submission for a preliminary certificate of consistency to develop Parcels 8 and 9 within the district. Please do not hesitate to ask any questions you may have.

Sincerely,



Joseph Giniewicz  
Urban Renewal Project Manager

cc: R. Eric Slagle, Director of Development Services  
Shaun Shanahan, Building Commissioner  
Christopher McWhite, Plans Examiner/ Local Build Inspector

## Preliminary Certificate of Consistency

Pursuant to Sec. 10.3.5 #6 of the Zoning Ordinance of the City of Lowell (Ch. 290 of the City of Lowell Code of Ordinances), The Hamilton Canal Innovation District Review Group (HCDRG) issues this Preliminary Certificate of Consistency for the following Development:

Development Proposal Name: Parcels 8 and 9 Mixed-Use Development

HCID Parcel: Parcels 8 and 9

Applicant: WinnDevelopment

Owner: City of Lowell

Date Submitted: November 17, 2017

Date Referred to HCDRG: November 20, 2017

HCDRG Meeting Date: November 22, 2017

Decision Date: November 22, 2017

Decision: Unanimous Approval of Preliminary Certificate of Consistency with Conditions

### Findings:

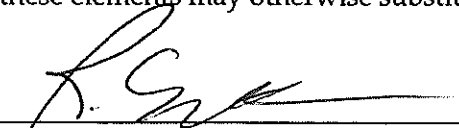
- The application checklist and documentation for this development proposal are complete and adequate.
- This proposal is consistent with the spirit of the Hamilton Canal Innovation District Form-Based Code and Master Plan, specifically relative to the intention for these sites.
- The proposal will need additional approvals as presented. These additional approvals shall be put forth as conditions of this Preliminary Certificate of Consistency.

### Conditions:

1. The Applicant shall receive City Council Approval to obtain an easement to build the bridge connecting the two parcels/ buildings over the City's Right-of-Way
2. The Applicant shall receive Variance approval from the Zoning Board of Appeals for the following relief:
  - a. 1-foot Variance needed for the S1 setback
  - b. 46-foot Variance for the S2 setback.
  - c. Construction of overhead bridge connecting parcels 8 and 9 on and above 3<sup>rd</sup> floor.

Conversely, changes to the plans to remove/modify these elements may otherwise substitute for the requirement for obtaining said approvals.

Date: 11/22/2017

  
\_\_\_\_\_  
R. Eric Slagle, Chairperson of HCDRG

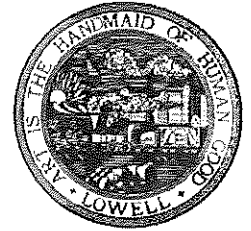




## LOWELL HISTORIC BOARD

City of Lowell - J.F.K. Civic Center  
Fifty Arcand Drive - Lowell, Massachusetts 01852  
phone (978) 970-1270 - fax (978) 970-4262

[www.historiclowell.net](http://www.historiclowell.net)



February 8, 2018

Catherine Racer  
Associate Director  
MA Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

REFERENCE: FEBRUARY 15, 2018 9% TAX CREDIT ROUND –  
PARCELS 8 & 9, HAMILTON CANAL INNOVATION DISTRICT, LOWELL

Dear Ms. Racer:

On behalf of the Lowell Historic Board, I would like to state my strong support for the Winn Companies' application for Low Income Housing Tax Credit financing for their proposed project in Lowell. The redevelopment of parcels 8 and 9 in the Hamilton Canal Innovation District is a critical element of the District's master plan and will not only provide quality infill construction but also much-needed affordable housing opportunities.

These two vacant parcels located in the former Appleton Manufacturing Company millyard are presently a blight on the surrounding area and are in need of redevelopment. Winn's proposal to build two linked 5-6 story structures is consistent with the scale of the surrounding historic structures as well as this agency's design review standards for the Downtown Lowell Historic District in which the project site is also located. This agency encourages contemporary new construction in the historic setting provided it responds contextually in terms of massing, scale, and materials, goals that will most definitely be achieved here based upon preliminary reviews to date.

The Lowell Historic Board has been working with project representatives on the design review, approval, and permitting of their project on the local level, and has determined that the project will have no adverse effect and have no impact on historic resources. We enthusiastically support the funding of their application and hope you will look favorably upon their request.

Sincerely,

Stephen R. Stowell  
Administrator