



Diane N. Tradd
Assistant City Manager/DPD Director

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
Raymond Kelly Richardson, Superintendent of Police

DATE: May 1, 2019

RE: Motion by C. Elliott - Req. City Mgr. Provide a Report Regarding Zoning Requirements and Police Activity at the “Edge” Apartment Complex.

This memorandum addresses the request from Councilor Elliott regarding the special permit decision and the police activity at the Edge student dorm located at 1 Merrimack Plaza.

The ‘Edge’ student dorm was approved under Section 7.8 of the Zoning Ordinance which allows for Private Dorms in the City. The ordinance requires the following at a minimum for the dorm to be approved:

1. A minimum of one on-site security guard at all times when the building is occupied;
2. Property management on-site or on-call 24 hours a day;
3. A full-time live-in community assistant, professionally trained to provide support services programming and oversight of student conduct;
4. One student resident assistant provided for the first 50 students and an additional assistant per each additional 50 students or portion thereof, working for the community assistant and assisting with programming and oversight of student conduct.

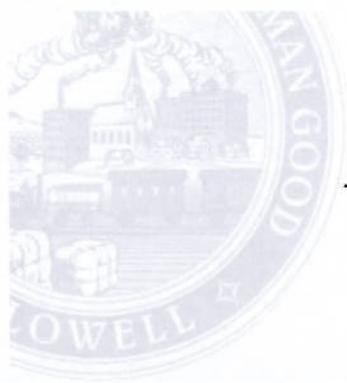
Additionally, the Planning Board decision added additional requirements, which are detailed on pages 3-5 of the attached decision.

The Lowell Police Department CAU (Crime Analysis Unit) conducted an in depth review of calls for service to 1 Merrimack Plaza, Edge Merrimack River Apartments. From February of 2017 until April 30th of 2019, there were 164 CAD (Computer Aided Dispatch) calls to the address. Of those 164 calls for service, 40 resulted in incident reports being generated. Forty-two percent of the calls occurred on Platoon #3 during the early night shift, thirty percent on Platoon #2 during the day shift, and twenty-eight percent on Platoon #1 during the overnight shift. In 2017, the Lowell Police responded to (8) calls for service, 2018 we responded to 107 calls and thus far in 2019, there have been 49 calls for service. The Lowell Police Department Directed Response Officer assigned to the area conducted a follow-up with management from the complex in November of 2018. At that time it was learned that total capacity for the building is 414 persons. At that time, the complex had 363 occupants of which 57.3 percent or 207 persons were undergraduate students. Another 8.7% or approximately 31 persons were graduate students and 34% or 123 persons are non-

students. UMASS Lowell claims no affiliation with the housing and their website lists the apartments as student living in Lowell. Attached please find a chart which details the calls for service by category as well.

ES

May 7, 2019



Diane N. Tradd
Assistant City Manager/Director

R. Eric Slagle
Director of Development Services

June 14, 2016

Shaun Shanahan
Building Commissioner

Mr. Michael Q. Geary, City Clerk
City Hall
Lowell, MA 01852

RE: Site Plan Approval – 1 Merrimack Plaza

Dear Mr. Geary:

Pursuant to the provisions of Section 11.4 of the City of Lowell Zoning Ordinance, Site Plan Review, this Board, herewith, submits a detailed account of its proceeding relative to the request of:

Vision Development Inc. for Site Plan Approval for a project located at 1 Merrimack Plaza, that consists of the construction of a 205,00 sq. ft. student housing building and includes the demolition of an existing commercial structure and the construction of loading areas, pedestrian facilities, landscaping and associated utilities. The applicant is seeking Site Plan Review under Sec. 11.4 of the City of Lowell Zoning Ordinance. The parcels are located in the DMU (Downtown Mixed Use) zoning district.

The request for Site Plan Approval was received on April 14, 2016 and was ordered to a Public Hearing, the time being set for Monday May 16, 2016 at 6:30 PM. Notice of the hearing was published in the Lowell Sun on Sunday May 1, 2016 and Sunday May 8, 2016. The public hearing was continued to multiple meetings, with the Board rendering a decision on June 6, 2016.

On Monday April 25, 2014 one copy each of said application and plan was transmitted to the City Engineer, the Fire Chief, the Conservation Commission, the Wastewater Department, Transportation Engineer, Building Commissioner and the Water Department.

Notices of the Public Hearing were sent to the Department of Housing and Community Development, the Regional Planning Agency, Planning Boards of all abutting cities and towns, and abutters within 300 feet of the subject property in compliance with Chapter 40A, Section 5.

Attached please find a copy of the notices which appeared in the Lowell Sun and which were mailed to interested parties. A quorum of Board members was present throughout the public hearing.

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CITY CLERKS OFFICE

Findings and Decision
Application for Site Plan Review
1 Merrimack Plaza

Specific Finding:

1. The plans submitted to the board met Planning Board specifications and the plans were approved for filing by the Planning Board.
2. The narrative submitted by the petitioner addressing the site plan requirements and other appropriate concerns in the following defined categories was deemed appropriate by the Planning Board.
 - a. Existing Conditions
 - b. Site Layout
 - c. Parking
 - d. Landscaping and Lighting
 - e. Utilities
3. The applicant proposes the construction of the construction of a 205,00 sq. ft. student housing building, with associated loading areas, pedestrian facilities, landscaping and associated utilities.
4. The applicant presented site plans prepared by Prime Engineering, dated April 15, 2016 and revised to May 23, 2016 and floor plans and conceptual drawings prepared by Benoit Design Group, dated April 14, 2016.
5. The parcel is located in the DMU (Downtown Mixed Use) zoning district and requires Site Plan Review with the Planning Board under Section 11.4.2 of the Lowell Zoning Ordinance.
6. The applicant applied for and received a Special Permit from the Zoning Board of Appeals for the proposal, according to the City of Lowell Zoning Ordinance section 12.1.k.3. The Special Permit was granted on May 16, 2016.
7. The Board finds that the Site Plan application and narrative properly meet acceptable site planning practices and standards within the City of Lowell, generally and more specifically with respect to the following:
 1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
 2. Maximize pedestrian and vehicular safety on the site, to the site, and egressing from it;
 3. Minimize obstruction of scenic views from publicly accessible locations;
 4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
 5. Minimize glare from headlights and lighting intrusion;
 6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;

7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
8. Provide adequate access to each structure for fire and service equipment and adequate utilities;
9. Provide stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations and all other applicable stormwater regulations;
10. Ensure compliance with the provisions of this Zoning Ordinance, including the parking, signage, landscaping and environmental performance standards
11. The proposal is consistent with the surrounding neighborhood in that it provides residential housing for students matriculating at the local colleges and universities.

The Board also found that the proposal complies with the performance standards required under Section 7.8 of the Lowell Zoning Ordinance.

Site Plan Review Decision:

In view of the foregoing, the Planning Board hereby GRANTS to the petitioner Site Plan Approval for the construction of a 205,000 sq. ft. student housing building as shown on the plans entitled, "Proposed Student Housing" prepared by Prime Engineering, dated April 15, 2016 and revised May 23, 2016.

The plan is designed to protect and promote the health, safety, convenience and general welfare of the inhabitants of the City, promotes acceptable site planning policies and standards within the City of Lowell and the Site Plan complies with the City of Lowell Zoning Code, regulations of the Planning Board and good zoning practices.

G. Frechette made a motion and R. Lockhart seconded to approve the petition with the following conditions:

- The applicant has proposed that the circular roadway in front of the building will provide drop-off and pick-up for the shuttle service and for handicap access as well as for general delivery/loading. The applicant should provide details as to how the area will be used for all three purposes.
- The applicant has stated that they are in negotiations with AP Boott Mills LLC to allow pedestrian and emergency vehicles to access the site from French St. This access shall include an appropriate crossing over the trolley tracks and a connection to the sidewalks on French St. This work should be coordinated with the NPS. If this access is not provided, the applicant shall provide an alternative emergency vehicle access for the site.
- The plan shows crosswalks to be provided connecting Fr. Morrissette Blvd. and French St., across the 43' wide ROW access to the site. The applicant shall work with NPS and the owner of the 43' wide access way to provide pedestrian access, including sidewalks and crosswalks.
- The applicant shall continue to work with the Transportation Engineer to provide adequate handicap parking.
- The applicant shall work with the Parking Department to locate as many parking spaces as close as possible to the development.

- The applicant shall work with the Transportation Engineer to restrict right turn movements out of the proposed traffic loop on the site.
- The shuttle management plan submitted by the applicant on June 1, 2016 and titled "Response to June 1, 2016 comments from Senior Planner, Judy Tymon" shall be included as part of this decision.
- All sidewalks and crosswalks should be ADA compliant.
- The plan is subject to final approval by the City Engineer.
- The applicant shall provide all appropriate water line gates, including gates to hydrants, as required by the water department.
- The applicant shall provide a utility easement to the City of Lowell for any new and relocated water lines on the property.
- The applicant shall provide a final plan showing all proposed water lines, including relocated lines, gates and tie-ins. The plan shall be approved by an engineer. These plans are subject to approval by the water department.
- The existing 20" water main shall be relocated, with the location to be approved by the Water Department. The applicant shall provide documentation that will hold the City of Lowell harmless for any damage to the applicant's property that may occur due to a failure of this water main.
- The applicant shall determine if the 16" water main that extends to the northwest corner of the property is servicing existing properties and shall work with the city to determine the disposition of this line.
- The applicant shall file an amended Site Plan Review application with the Planning Board as a result of any changes in the footprint of the building.
- The trolley guy wires will need to be relocated from their existing location at the pole at the southwestern corner of the new building to another location. The applicant shall determine the location and obtain permission to relocate the wires.
- The applicant shall work with adjacent property owners regarding the placement of the sign currently located at the entrance to the proposed structure. The new location of the sign and its design shall be reviewed and approved by the Historic Commission.
- Approval of the Site Plan Review application by the Planning Board will prohibit the conversion the use of the proposed building from that of student housing to market rate or affordable residential housing.

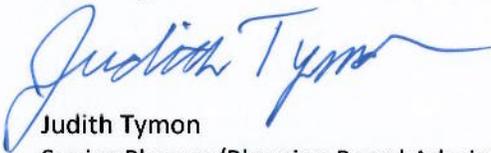
- The applicant shall obtain the proper easements and contracts from all appropriate properties (including but not limited to the National Park Service) to provide crosswalks, sidewalks and trolley track crossings. The applicant shall provide to the city for approval all copies of any such agreements.
- Any changes to the plan shall be reviewed by DPD.

The vote for approval was unanimously in favor (5-0).

The applicants must present a **paper and electronic copy** of the final approved documents to the City Engineer along with electronic files of the drawings in AutoCad R14 format **prior to start of construction**.

Please contact me at the Division of Development Services at 978-674-4252 if you have any questions.

Sincerely,



Judith Tymon
Senior Planner/Planning Board Administrator

cc: Shaun Shanahan, Building Commissioner
Christopher McWhite, Plans Examiner
Susan LeMay, City Assessor
Lisa DeMeo, City Engineer
Jim Flood, Attorney for Applicant



**Public Hearing
Lowell Planning Board & Zoning Board of Appeals
Site Plan Review
1 Merrimack Plaza
2 & 14 French St.**

The Lowell Planning Board will hold a public hearing regarding an application by Vision Development Inc. for approval of a Site Plan Review (section 11.4) application, a Zoning Variance (section 6.2.4) and a Special Permit from the Zoning Board of Appeals (section 12.1.k.3) and any other relief that is required, for a 205,000 square foot student housing building to be located at 1 Merrimack Plaza. In addition to the new building, the proposal includes the demolition of an existing commercial structure and the construction of loading areas, pedestrian facilities, landscaping and associated utilities. The site is located in the Downtown Mixed Use (DMU) zoning district.

The public hearing with the Planning Board will be held on **Monday May 16, 2016 at 6:30 PM** in the City Council Chambers, City Hall, 375 Merrimack Street, Lowell, MA 01852.

The public hearing with the Zoning Board will be held on **Monday, May 23, 2016 at 6:30 PM** in the City Council Chambers, City Hall, 375 Merrimack Street, Lowell, MA 01852.

The Boards will consider this matter at the conclusion of their public hearing. Information relative to this project is available at the Division of Development Services, City Hall, 375 Merrimack Street, Room 51, Lowell, MA 01852, Monday through Friday, 9:00 a.m. to 5:00 p.m.

Lowell Planning Board
Thomas Linnehan, Chairperson
&
Lowell Zoning Board
William Bailey, Chairperson



Lowell Police Department

1 Merrimack Plaza

During the timeframe of February 1, 2017– April 30, 2019 there have been 164 CAD calls to 1 Merrimack Plaza (Edge Merrimack River Apartments). From those 164 calls, 40 incident reports were generated. Forty-two percent of the calls occurred on Platoon 3, followed by 30% on Platoon 2, and 28% on Platoon 1. Please see the Table 1 for a list of calls by Month and Year. Table 2 shows the list of Calls by Category.

Table 1: Calls by Month/Year

Month	2017	2018	2019	# of calls
January	0	3	17	20
February	2	13	15	30
March	0	13	7	20
April	0	6	10	16
May	0	10	0	10
June	0	5	0	5
July	0	13	0	13
August	0	7	0	7
September	0	11	0	11
October	1	7	0	8
November	1	8	0	9
December	4	11	0	15
Total	8	107	49	164

Table 2: Calls by Category

Category	# of calls
911 Hangup/Misdial	2
Arrest/Wagon Request	1
Assault	3
Assistance	8
B&E	1
Disturbances	46
Domestic	12
Fight	7
Fire	2
Harassment	3
Medical	21
Missing	2
Other	1
Proactive Policing	15
Robbery	1
Search Warrant	2
Service Calls	15
Sexual Assault	1
Suspicious	3
Theft	7
Traffic/MV Charges	3
Unknown Problem	1
Unwanted	3
Vandalism	4
Total	164