



Diane Tradd
Assistant City Manager/Director

R. Eric Slagle, Director

May 30, 2019

Mayor William Samaras
and
Members of the City Council

RE: Planning Board recommendation with respect to a proposed zoning amendment to extend the existing Light Industrial (LI) zoning district to include the area of 264 Plain Street, 266 Plain Street, and 58 Montreal Street. The subject properties are presently zoned Traditional Two Family (TTF).

Dear Mayor Samaras and Members of the City Council:

The Lowell Planning Board held a Public Hearing to hear all interested persons relative to an ordinance to amend “The Code of Ordinances City of Lowell, Massachusetts,” with respect to Appendix A thereof entitled “Zoning.” The amendment would extend the existing Light Industrial (LI) zoning district to include the area of 264 Plain Street, 266 Plain Street, and 58 Montreal Street. The subject properties are presently zoned Traditional Two Family (TTF). Please find the proposed amendment enclosed with this letter.

The following individuals spoke in favor of the petition:
Carolyn Cox, 285 Plain Street
John C. Geary, Attorney for Applicant
Stephen B. Geary, Attorney for Applicant

Member Gerald Frechette motioned and Member Richard Snetsky seconded to recommend that the proposed rezone be APPROVED based on the following:

1. The City’s master plan, Sustainable Lowell 2025, encourages the identification of new areas that are eligible for light industrial development and recommends the prohibition of encroaching residential uses in viable industrial areas. The City should amend the zoning map accordingly.
2. The subject properties are bifurcated by two conflicting zoning districts: Traditional Two Family (TTF) and Light Industrial (LI). Residential development in this area would conflict with the industrial businesses that abut the subject properties on all sides.
3. The subject properties are vacant and abandoned old railroad right-of-way. Industrial development would provide opportunity to improve the underutilized area and eliminate blight.

The Board voted unanimously (5-0) in support of the motion.

If you have any questions or need any assistance, please feel free to contact me at the Department of Planning and Development at cmccall@lowellma.gov or 978-674-1472.

Sincerely,

Christine McCall
Senior Planner

Enclosure

cc: Eileen M. Donoghue, City Manager
Christine P. O’Connor, City Solicitor
Diane Tradd, Assistant City Manager/DPD Director
R. Eric Slagle, Director of Development Services
Chairman Thomas C. Linnehan and Planning Board Members

2019 MAY 30 PM 3:21
CITY OF LOWELL
DEPARTMENT OF PLANNING AND DEVELOPMENT

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of the City of Lowell, Massachusetts", with respect to Chapter 290, Thereof Entitled, "Zoning" by extending existing Light Industrial District (LI) zoning district to include 264 Plain Street, 266 Plain Street and 58 Montreal Street in Lowell.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows

"Code of the City of Lowell, Massachusetts", hereinafter called the "Code", adopted by the City Council on December 23, 2008, as amended, is hereby further amended with respect to Chapter 290, entitled "Zoning," adopted December 7, 2004, as amended, as follows:

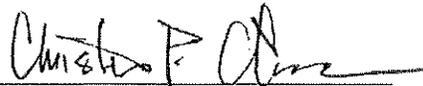
1. SECTION 3.2 ZONING MAP: That existing zoning districts in the areas of 264 Plain Street, 266 Plain Street and 58 Montreal Street, as shown on the Zoning Map in the Custody of the City Clerk with an electronic record of the zoning map maintained by the Management Information Systems Department of the City of Lowell are hereby extended as shown on the Zoning District Extension Exhibit Plan.

A. The above area is shown on plan prepared by Landplex, 10 George Street, Suite 208, Lowell, MA entitled Zoning District Extension Exhibit Plan, a copy of which is annexed hereto and made a part hereof and described as Exhibit "A"

2. The Zoning Map, in the custody of the City Clerk with an electronic record of the zoning map maintained by the Management Information Systems Department of the City of Lowell shall be changed to conform to this amendment.

3. This Ordinance shall take effect upon its passage in accordance with Section 1.7 of the "Lowell Zoning Ordinance" and the provisions of Chapter 43 and 40A of the General Laws of Massachusetts.

APPROVED AS TO FORM:



Christine P. O'Connor
City Solicitor

ASSESSORS

PARCEL 4150-58 58 MONTREAL STREET
 PARCEL 4665-264 264 PLAIN STREET
 PARCEL 4665-266 266 PLAIN STREET

PROPERTY OWNERS

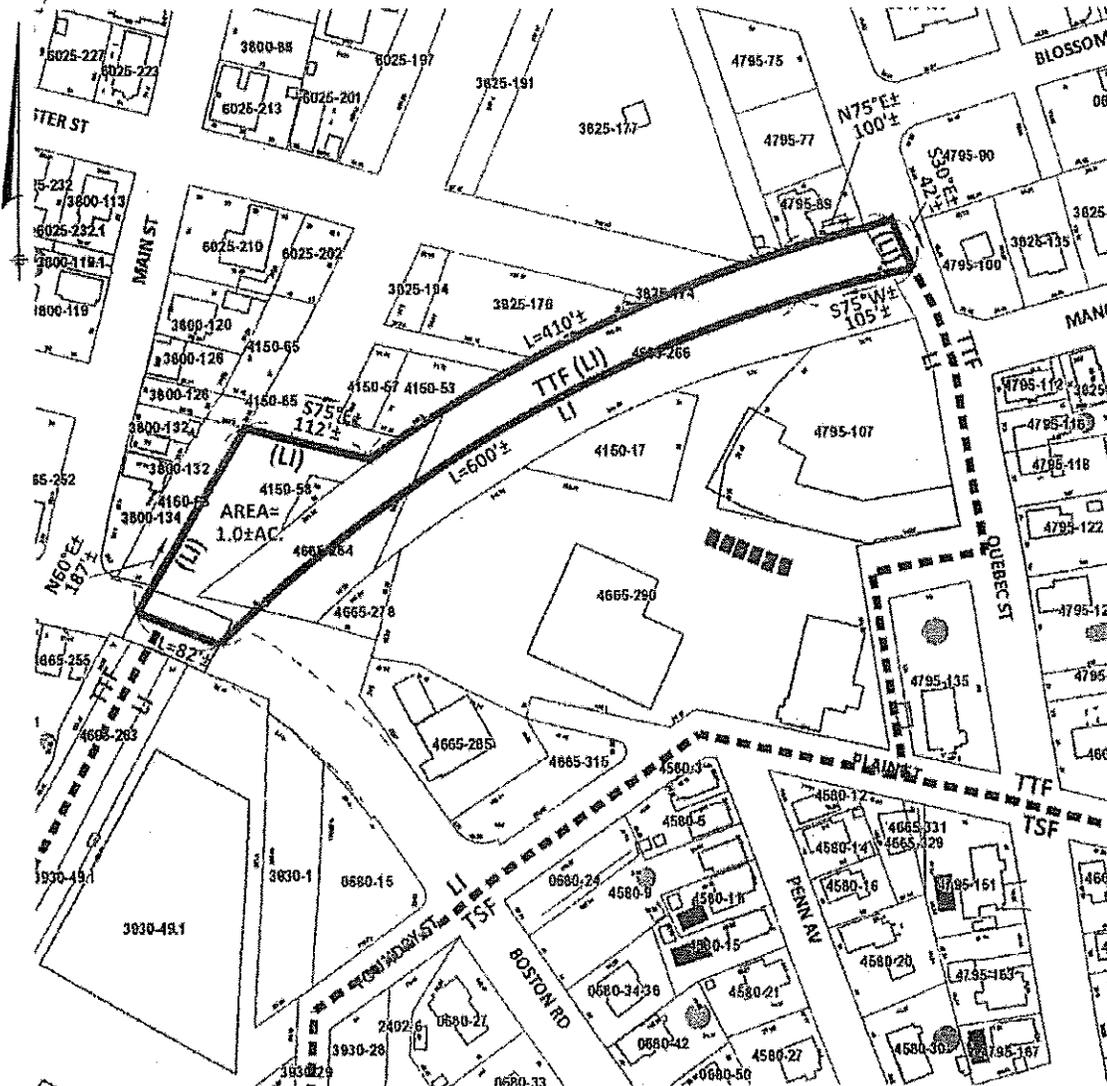
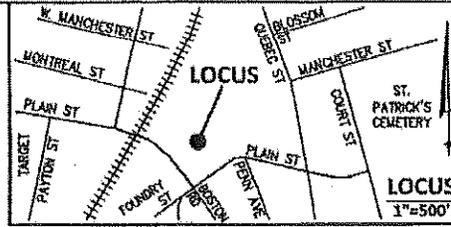
N/F CITY OF LOWELL 58 MONTREAL STREET
 N/F B&M RAILROAD 264 PLAIN STREET
 N/F B&M RAILROAD 266 PLAIN STREET

PLAN REFERENCES

1. CITY OF LOWELL G.I.S. MAPPING.
2. LAND COURT CASE 7925, PLANS A THROUGH E.
3. PLAN BOOK 1, PLAN 1.
4. PLAN BOOK 5, PLAN 8.
5. PLAN BOOK 87, PLAN 145.

NOTES

1. THE PURPOSE OF THIS PLAN IS TO DEFINE THE BOUNDARIES OF A PROPOSED ZONING CHANGE FROM THE TTF DISTRICT (TRADITIONAL TWO-FAMILY) TO THE LI DISTRICT (LIGHT INDUSTRIAL).
2. BOUNDARY INFORMATION & EXISTING CONDITIONS SHOWN HEREON SCALED FROM REFERENCE PLANS. NO SURVEY HAS BEEN PERFORMED.



LEGEND

- N/F NOW OR FORMERLY SQUARE FEET
- LI LIGHT INDUSTRIAL ZONING DISTRICT
- TSF TRADITIONAL SINGLE-FAMILY ZONING DISTRICT
- TTF TRADITIONAL TWO-FAMILY ZONING DISTRICT
- EXISTING ZONING DISTRICT BOUNDARY
- PROPOSED ZONING DISTRICT BOUNDARY

ZONING DISTRICT EXTENSION EXHIBIT PLAN	
QUEBEC STREET LOWELL, MASSACHUSETTS	
PLAN PREPARED FOR: JEREMY McSORLEY 133 CLARK ROAD LOWELL, MA 01852	 CIVIL ENGINEERING - SURVEYING 10 George Street, Suite 208 Lowell, Massachusetts 01852 978-201-9390 - LandPlex.com
FEBRUARY 26, 2019	
SCALE: 1" = 100'	

11A

City of Lowell - Law Department

375 Merrimack Street, 3rd Floor • Lowell MA 01852-5909
Tel: 978.674.4050 • Fax: 978.453.1510 • www.lowellma.gov

Christine P. O'Connor
City Solicitor

Rachel M. Brown
1st Assistant City Solicitor

Gary D. Gordon
John Richard Hucksam, Jr.
Adam LaGrassa
Stacie M. Moeser
Hannah Pappenheim
Elliott J. Veloso
Assistant City Solicitors

April 24, 2019

City Manager Eileen M. Donoghue
Mayor William Samaras
Members of the City Council

RE: Ordinance – Extend LI Zone to include all of 264, 266 Plain Street
and 58 Montreal Street

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

The rezoning petition of Attorney John C. Geary on behalf of and as attorney for Pineapple Realty, LLC was referred to the Law Department to draft a proposed amendment to the Zoning Code.

The petition seeks to extend the existing Light Industry (LI) zoning district. Currently the zoning line between the LI zoning district and the Traditional Neighborhood Two Family (TTF) zoning district runs through the middle of these parcels. It is the desire to have these properties zoned as all-inclusive Light Industry (LI) at 264, 266 Plain Street and 58 Montreal Street.

I have drafted a proposed Ordinance in accordance with Mass G.L. Ch.40A, §5, the Council must refer it to the Planning Board for a hearing, report and recommendation.

In reviewing a petition to change zoning, courts have held that each such requested change in zoning must be looked at individually, and based on factual information presented to the City Council, such body is to make a determination as to whether the change is in furtherance of the Zoning Act, Mass. G.L. Chapter 40A.

The singling out of a parcel of land for zoning different from that of similar surrounding land may constitute "spot zoning." Not all changes of zoning are considered spot zoning however. The size of the parcel to be rezoned together with other factors with respect to the land and the surrounding land are to be considered in determining whether or not such a zoning change is proper. Our courts, which have upheld various zoning changes, have indicated that the change should be in furtherance of the objects of the zoning ordinance and such change should promote the public welfare.

It is my opinion that this petition does request an extension of the existing LI Zone for the above referenced parcels and does not constitute spot zoning. The requested zoning appears to be a natural extension of the existing LI zone

April 24, 2019
City Manager Eileen M. Donoghue
Mayor William Samaras
Members of the City Council
Page 2.

Accordingly, the proposed Ordinance should be referred to the Planning Board in accordance with Massachusetts General Laws, Chapter 40A, Section 5.

Very truly yours,



Christine P. O'Connor
City Solicitor

vote:zoning

cc: Planning Board
City Engineer
Diane Tradd-Asst C/M Dir. DPD
John C. Geary, Esq.