



# City of Lowell - Planning Board

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## Planning Board Meeting Minutes

Monday January 4, 2021 6:30 p.m.

Conducted via Zoom

**Note:** These minutes are not completed verbatim. For a recording of the meeting, visit [www.ltc.org](http://www.ltc.org)

### Members Present

Thomas Linnehan, Chairman  
Gerard Frechette, Vice Chairman  
Richard Lockhart, Member  
Robert Malavich, Member  
Caleb Cheng, Member  
Russell Pandres, Associate Member  
Sinead Gallivan, Associate Member

### Members Absent

None

### Others Present

Fran Cigliano, Senior Planner

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A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:30pm.

### I. Minutes for Approval

December 7, 2020

G. Frechette motioned and R. Lockhart seconded the motion to approve the minutes. The motion passed unanimously, (5-0).

### II. Continued Business

#### **Site Plan Review and Special Permit: 724 Chelmsford Street & 18 Wellman Street 01851**

Evia Development, LLC and Krete Development, LLC have applied to the Planning Board for Site Plan Review and Special Permit approval to construct a drive-thru ATM building at the subject property. The property is in the High Rise Commercial (HRC) zoning district and requires Site Plan Review and Special Permit approval under Section 12.4.g(1) of the Lowell Zoning Ordinance.

#### On Behalf:

None

#### Speaking in Favor:

None

#### Speaking in Opposition:

None

#### Discussion:

None

#### Motion:

R. Malavich motioned and R. Lockhart seconded the motion to continue the petition to the January 21, 2021 Planning Board meeting. The motion passed unanimously, (5-0).

### III. **New Business**

#### **Site Plan Review and Special Permit: 610 Gorham Street 01852**

Nelson Group has applied to the Planning Board for Site Plan Review and Special Permit approval to redevelop the existing building at 610 Gorham Street into a four-unit residential structure. The building currently has three residential units and one vacant commercial unit. The subject property is located in the Urban Neighborhood Mixed Use (UMU) zoning district and requires Site Plan Review approval per Section 11.4 to expand a residential structure with more than three dwelling units, Special Permit approval per Section 12.1(d) for the use, and a Variance per Section 6.1 for relief from the off-street parking requirement.

#### On Behalf:

John Bavuso, Applicant

J. Bavuso said that the company takes distressed properties and makes the best use out of them. We believe an additional residential would fit in in this location. In walking distance to public transit. Don't plan on making major changes other than removing 12x21 garage. Has no purpose whatsoever. We understand parking is well below par. Has been striped off for four or five spots. No room for additional spaces. Trying to do the best we can with the lot. Provide affordable, safe clean housing. Neighborhood is coming up, small retail stores have been converted to residential. Have recently hired a new engineer. The other engineer was not working out. We are at a stage that we can step in and rehab that building.

#### Speaking in Favor:

None

#### Speaking in Opposition:

None

#### Discussion:

R. Lockhart asked the applicant to clarify existing mix of residential and commercial units. J. Bavuso said that the Building Commissioner confirmed that the building is three residential units and one commercial unit. He thinks an additional residential unit makes best use of the property given the housing shortage in Massachusetts.

R. Lockhart asked the applicant to confirm the number of bedrooms in each unit. J. Bavuso said that there would be two bedrooms per unit.

R. Lockhart commented that the angled parking for three cars does not seem workable the way it's been drawn.

C. Cheng asked how the parking spaces will be divided between the tenants. J. Bavuso said that the parking would likely be first come first serve. He does not have a good plan for how to divide parking between the tenants.

C. Cheng asked whether the units are intended to be condos or apartments. J. Bavuso said that they would be apartments. C. Cheng said that the landlord would have to make sure parking arrangements are understood among the tenants.

R. Malavich said that it really comes down to the parking. He likes the building rendering. He said that it is ultimately up to ZBA, whether they are going to grant the parking variances.

J. Bavuso discussed existing conditions and proposed improvements to stormwater management.

S. Gallivan commented that it seems like the floor plans and site plans seem underdeveloped. They are not accurately representing what's being done to the property.

G. Frechette said that he does not think the Board has plans to vote on. He applauds the applicant for wanting to rehab the building; it will be an improvement. The Board does not have anything relative to landscaping. Not sure how parking is going to work. He said that the building has architectural features that are interesting and add to the facade of the building. He asked to what extent the applicant plans to keep these existing features. J. Bavuso said that they would try to keep these features as much as possible.

G. Frechette said that the renderings submitted shows a modern facelift that does not take into account what's already there. He would like to have a better description of what they are planning to do with the exterior, materials to be used. There's some parts worth preserving. Will add to the overall appeal of the building. J. Bavuso said that they would be using cement siding. Much more durable than vinyl. G. Frechette asked for more detailed plans for the exterior of the property that accurately depict plans for the façade.

S. Gallivan asked the applicant to provide updated floor plans that accurately reflect the floor count.

R. Pandres agreed with the other members. He would not feel comfortable taking a vote without an updated set of plans.

T. Linnehan has grave concerns about parking. Even if the applicants get a variance, they still have to satisfy requirements for site plan review and a special permit.

G. Frechette asked if it would be possible to work with DPD to survey what's available for on-street parking.

R. Lockhart added that the applicant is going to have to address how to handle trash and waste management.

C. Cheng asked whether staff had mentioned sustainable transit options. Another way to work around transportation issue. The site is not far from downtown Lowell. Wanted to hear if any plans to include bike parking or racks. Also, would be helpful to have a transportation management plan in place.

Motion:

G. Frechette motioned and R. Malavich seconded the motion to continue the petition to the February 1, 2021 Planning Board meeting. The motion passed unanimously, (5-0).

**Site Plan Review and Special Permit: 59 Lowes Way 01851**

Assured Testing Laboratories LLC has applied to the Planning Board to open a marijuana testing laboratory at 59 Lowes Way. The property is in the High Rise Commercial (HRC) zoning district and requires a Special Permit under Section 12.8(f) and Site Plan Review under Section 11.4 for the proposed marijuana use.

On Behalf:

Dimitrios Pelekoudas, Applicant

D. Pelekoudas presented the proposal. Colorado had 12 marijuana testing labs with similar levels of production, while Massachusetts currently only has 3 labs. 30 parking spaces. No distinct signage. No schools or other marijuana establishments within 500 ft. and 1000 ft. radius. Would test for pesticides, heavy metals, bacteria. Would have no more than 2-3 times the legal household limit in the lab at a time. Keep volume low for good turnover. All samples would be stored in a secure freezer room. Several layers of security.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

C. Cheng thanked the applicant. He noted that there is a marijuana facility at Wellman Street. Is that facility within the 1000-ft. radius of the site?

F. Cigliano said that her understanding is that this restriction only pertains to retail establishments. T. Linnehan noted that two marijuana cultivation facilities are located within a stone's throw of one another on Dutton Street.

C. Cheng noted that odor mitigation is always a concern. He wondered whether a standard lab fume hood could adequately scrub odor. D. Pelekoudas said that they would be taking a number of steps to ensure there is no smell. He does not want to work in a lab smelling like cannabis. They intend to go above and beyond through small sample size, freezing, and solvents.

R. Lockhart asked about a question from the Fire Department. D. Pelekoudas said that they have not spoken directly with LFD. It is standard practice for every lab to provide a list of hazardous chemicals within data sheets. He will put a comprehensive list together when purchasing them.

S. Gallivan wanted to confirm that it is an interior fit-out with no exterior work happening. Would there be loading of product at the loading dock? D. Pelekoudas said that there would be no exterior work. They have not determined the precise route for the product. Want it to be under recorded surveillance. The containers look like a locked lunch cooler.

R. Malavich asked when the applicant plans to fill the Director of Security position. D. Pelekoudas said that before any product comes into the lab, they want to hire a full-time Director of Security. When they get full approvals, they would hit the ground running and post positions.

G. Frechette discussed the email regarding stormwater permit mitigation. Provide some information regarding space they would be occupying to come up with a proportionate amount of stormwater mitigation. D. Pelekoudas said that he had forwarded the message regarding stormwater to ownership. He is certain that as an excellent landholder, they would be happy to comply with requirements. G. Frechette said that he speculates that the building wasn't constructed to current standards. This is an opportunity to improve stormwater conditions on site.

D. Pelekoudas said that they would be sending drivers across the state to pick up product.

Motion:

G. Frechette motioned and R. Malavich seconded the motion to approve the Special Permit with the following conditions:

1. The approval is subject to clarification that the application is in compliance with all location regulations being within 1000 ft. from another marijuana facility;
2. The applicant shall comply with the regulations of the Cannabis Control Commission (CCC) relative to odor mitigation. The applicant shall comply with any odor mitigation standards deemed necessary by the City of Lowell;
3. The applicant shall comply with the security plan as required by the CCC and will be in full compliance with security plan approved by LPD;

4. The applicant shall comply with the ongoing requirements by the City of Lowell's Fire Department;
5. The proposed development will obtain a stormwater permit and will provide stormwater improvements proportionate to the investment in the property. The applicant shall provide the stormwater team with figures for appropriate mitigation to be recommended by the stormwater department.

The motion passed unanimously, (5-0).

G. Frechette motioned and R. Lockhart seconded the motion to approve the Site Plan Review with the same conditions as the Special Permit approval. The motion passed unanimously, (5-0).

#### **IV. Other Business**

#### **V. Notices**

#### **VI. Further Comments from Planning Board Members**

R. Lockhart said that at the December 14 Historic Board meeting, the Board had adopted a draft of policy for the historic district in downtown Lowell concerning murals. This is an exciting development, but it has to be controlled so that historic buildings are protected.

F. Cigliano said that the project review team would hopefully be welcoming new members of the team very soon.

#### **VII. Adjournment**

R. Lockhart motioned and R. Malavich seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 8:13PM.