



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, March 7th 6:30 p.m.

City Council Chambers, 2nd Floor, City Hall

City of Lowell, 375 Merrimack Street, Lowell, MA

Remote Participation Optional via Zoom

Note: These minutes are not completed verbatim. For a recording of the meeting, visit www.ltc.org

Members Present

Thomas Linnehan, Chairman

Gerard Frechette, Vice Chairman

Robert Malavich, Member

Caleb Cheng, Member

Members Absent

Richard Lockhart, Member

Sinead Gallivan, Associate Member

Russell Pandres, Associate Member

Others Present

Dylan Ricker, Associate Planner

Serena Gonzalez, Assistant Planner

Christine Clancy, Director of DPW/Tree Warden

A quorum of the Board was present. Chairman Linnehan called the meeting to order at 6:31pm.

I. Minutes for Approval

January 20, 2022 Minutes

T. Linnehan motioned, and R. Malavich seconded the motion to approve the January 20, 2022 Meeting Minutes. The motion passed unanimously, (4-0).

February 7, 2022 Minutes

T. Linnehan noted there was not a quorum at the February 7, 2022 meeting. T. Linnehan said the meeting minutes for the February 7, 2022 meeting were acceptable. G. Frechette agreed.

II. Continued Business

Site Plan Review and Special Permit: 733-735 Broadway Street, 01854

Boston Capital has applied to the Lowell Planning Board and Lowell Zoning Board of Appeals for Site Plan Review, Special Permit, and Variance approval to redevelop the existing historic mill building at 733-735

Broadway Street into 53 affordable units. The project includes the redevelopment of the existing structure, as well as the construction of an addition to include additional house, a management office, and parking. The subject property is located in the Traditional Multi-Family (TMF) zoning district. The project requires Site Plan Review approval per Section 11.4, and Special Permit approval per Section 4.5 from the Lowell Planning Board. The project will also require Variance approval pursuant Section 5.1, Section 5.2, Section 5.3, and Section 6.1 from the Lowell Zoning Board of Appeals, and any other relief required under the Lowell Zoning Ordinance. **The applicant has requested a continuance to the April 4, 2022 Planning Board Meeting.**

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Motion:

R. Malavich motioned, and G. Frechette seconded the motion to continue the petition to the April 4, 2022 Planning Board Meeting. The motion passed unanimously, (4-0).

Site Plan Review: 663 Lawrence Street, 01852

Standish Green Group, LLC has applied to the Lowell Planning Board for Site Plan Review approval to operate an Adult Use Marijuana Cultivation and Product Manufacturing Facility at 663 Lawrence Street. The subject property is located in the Light Industrial (LI) zoning district. The proposal requires Site Plan Review approval pursuant to Section 7.10 and Section 11.4 from the Lowell Planning, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

Phil Silverman, Applicant's Representative

P. Silverman said the applicant hosted a community outreach meetings, met with the South Lowell neighborhood group, and added they have entered into a host community agreement with the City. P. Silverman said the applicant previously had a pre-application hearing and the applicant addressed the Board's comments. P. Silverman said the applicant will be cultivating and manufacturing marijuana and marijuana products. P. Silverman said the applicant is amenable to bringing the parking area into compliance, and they are amenable to a condition requiring stormwater approval. P. Silverman said the applicant is proposing minimal exterior work and the exterior work they will complete includes adding lighting and some landscaping, P. Silverman noted they are unsure if they can add shade trees to the site as they may pose a security concern. P. Silverman summarized the landscaping plan and proposed interior work. P. Silverman said the building is ready for construction. P. Silverman said there are tenants

on the first and second floors, and there is a space on the fourth floor being reserved for a possible future expansion which they are not ready for.

P. Silverman said the applicant will be meeting minimum energy requirements from the Cannabis Control Commission. P. Silverman said the applicant will bring in additional power to the facility but they do not expect this to burden neighbors. P. Silverman explained the security plan which meets Cannabis Control Commission standards and was approved by the Lowell Police Department. P. Silverman said there will be no retail sales from the site, or delivery, only wholesale. P. Silverman said there will be no large trucks used for deliveries, they will be using unmarked sprinter vans. P. Silverman said the applicant expects outgoing deliveries 1-2 times per day, and incoming deliveries 1-2 times per week.

P. Silverman explained the proposed waste disposal plans and noted there will be no on-site consumption of marijuana. P. Silverman explained the odor mitigation plan noting they will be using carbon filters and that staff would be trained on odor mitigation to ensure all procedures are followed. P. Silverman said the applicant estimates 15-20 jobs associated with the use, and noted they will be paying impact fees to the City. P. Silverman said he believes this type of economic development is beneficial to the City.

Paul Martignetti, Applicant

Ben, Property Manager

Randy Miron, Applicant's Representative

Speaking in Favor:

None

Speaking in Opposition:

David Piscatelli, 685 Lawrence Street

D. Piscatelli said he owns the adjacent mill apartment building. D. Piscatelli said he and the applicant share an access road which serves many families. D. Piscatelli said he had 3 main concerns, including odor mitigation. D. Piscatelli said he is concerned that the odor mitigation may fail and impact residents of his property. D. Piscatelli said his second concern is security, and said he is concerned that the marijuana cultivation use may lead to car break-ins. D. Piscatelli added that there was an explosion in Pittsfield at a facility doing oil extraction and he is concerned this may happen at the site.

Discussion:

T. Linnehan said the Board received a letter from Jeff Thomas in support of the project, and read the letter into the record.

P. Silverman said that odor mitigation technology has improved in the past 10 years and said odor problems get fixed quickly. P. Silverman said the applicant will ensure odor is not emitted. P. Silverman said he disagreed with the statement that the facility may create more crime citing studies which show that marijuana cultivation facilities reduce crime nearby and communities do not report increased crime. P. Silverman said the incident in Pittsfield may have been due to a different extraction method, and explained the applicant will be using a different extraction method which he is unaware of having

these issues. P. Silverman said the applicant will be working with the Lowell Fire Department to ensure fire safety.

D. Piscatelli asked if the site will have 24/7 on-site security or cameras. P. Silverman said the site will have on-site security during work hours, and monitored cameras at all other times. P. Silverman said he would be happy to meet with the resident to discuss further. D. Piscatelli said he is concerned that problems that emerge after the project is approved may go unanswered.

G. Frechette asked about the parking access to a neighboring apartment building parking area and expressed concern about closing the right of way. P. Silverman said it is his understanding that when the applicant purchased the property the gate was closed and he does not believe access to any parking area will be restricted. P. Silverman said the applicant can leave the gate open, but abutters requested it be closed. G. Frechette asked if that would impact the neighbor. D. Piscatelli said it would not impact his property, and explained the access road. D. Piscatelli said there are two floors of his building that may be most impacted by odors.

G. Frechette explained the landscaping requirement for parking areas and its intent to buffer nearby residential areas. G. Frechette said it would be beneficial for shade trees to be added in locations that would not impact security.

R. Miron said the plan was to add landscaping to make the parking area feel softer, as well as clean up the overgrowth and improve the appearance. P. Silverman said it could be possible for the applicant to add some shade trees. G. Frechette said the applicant can work with DPD on the location, and added the full nine may not be necessary.

G. Frechette said the applicant details an odor mitigation plan with a plan to address odor complaints within two hours. G. Frechette asked how a resident would complain about odors and asked if they would call the owner or City. P. Silverman said the applicant intends to ensure neighbors have access to contacts to report odor concerns, and noted the owner has an office nearby. P. Silverman said the applicant will host a meeting prior to opening with abutters to provide contact information regarding complaints. G. Frechette said it was important for all abutters to have access to the contacts, even those that move in later on. P. Silverman said the applicant is amenable to a condition requiring the applicant to hold a public meeting prior to opening to provide the contact information. G. Frechette agreed with the condition.

G. Frechette said that the Lowell Police Department approved the security plan, and added the applicant was amenable to updating the parking plan. G. Frechette asked about the hours of delivery. P. Silverman said the delivery hours will be during normal business hours, between 9am-6pm.

G. Frechette asked about the snow storage location. Ben said the snow is pushed to the upper right corner against the fence and said there is more than enough space for snow storage. Ben said at most it can take up to 4 parking spaces. G. Frechette asked if the property had the capacity to lose 4 spaces and meet the parking requirement. Ben said if the snow pile up were to cause a parking issue they have the capacity to remove snow from the site. G. Frechette said this has been a condition in the past.

R. Malavich agreed with G. Frechette's comments regarding shade trees.

C. Cheng asked about the stormwater. T. Linnehan said the applicant said they were amenable to a condition requiring stormwater approval. C. Cheng agreed this should be a condition.

C. Cheng said that during his site visit the gate was open.

T. Linnehan asked how trash removal would be impacted, and whether there are on-site dumpsters. P. Silverman said anything containing marijuana waste will be removed by the applicant. P. Martignetti said there are currently 2 dumpsters on the site.

T. Linnehan asked whether marijuana is being tested on the site. P. Silverman said samples are taken to an off-site, independent lab for testing. T. Linnehan said that odor control must meet Cannabis Control Commission requirements, and said the Board makes a condition on marijuana uses that odor must meet City requirements. T. Linnehan asked that the odor control meet the Cannabis Control Commission standards and are deemed satisfactory to DPD and the Board of Health so neighbors can contact the City with odor complaints.

C. Cheng asked about the façade of the building and whether the applicant will repair the façade of building or windows. P. Martignetti said they want to improve the neighborhood and would like to improve the condition of the building. P. Martignetti said they are amenable to a condition to look at necessary repairs. P. Silverman said the applicant can ensure the building is not unattractive and can maintain the façade. T. Linnehan noted that broken windows tend to lead to more broken windows.

Motion:

G. Frechette motioned to approve the Site Plan Review with the following conditions:

- 1) The applicant shall provide an updated site plan showing a dimensionally compliant parking area to DPD;
- 2) The applicant shall obtain approval from the City of Lowell Stormwater Review Team;
- 3) The applicant shall work with DPD to add shade trees to the parking to soften the overall appearance of the paved area;
- 4) The applicant shall notify neighbors and conduct a neighborhood meeting with all abutters as defined by notification requirements for public hearings approximately 30 days prior to operation to provide contact information for odor mitigation concerns;
- 5) The applicant shall remove excess snow from the parking lot to maintain adequate parking for the site;
- 6) The applicant shall meet and maintain City of Lowell odor mitigation control standards; and
- 7) The applicant shall work to address broken windows on the building façade to make the façade more aesthetically pleasing to the neighborhood.

R. Malavich seconded the motion. The motion passed unanimously, (4-0).

Public Shade Tree Hearing: 939 Lawrence Street, 01852 and 1050 Gorham Street, 01852

In accordance with MGL Ch. 87.5 and Chapter 260 of the Lowell Code of Ordinance, the Lowell Planning Board will hold a public hearing to hear all interested persons regarding the proposed removal of seventeen (17) public shade trees located at 1050 Gorham Street, and 939.1 Lawrence Street. The trees are less than 24" in diameter and six (6) of the trees are dead. New England Power Company is proposing that the trees be removed so that they can access their transmission lines to replace existing overhead transmission shield wire lines and replace or modify existing transmission line structures.

On Behalf:

Joshua Lee Smith, Applicant's Representative

J. Lee Smith said the tree removal is associated with 2 transmission lines, and there are certain upgrades that must be made on the lines. J. Lee Smith said that in order to access the lines the trees must be removed. J. Lee Smith said there are certain City parcels used to access the lines and the City ordinance requires approval to remove trees on City land. J. Lee Smith said they intend to remove 17 total trees, 3 trees on one tract, and the remaining 14 on the other tract. J. Lee Smith noted that 6 of the trees are dead, and the applicant has met with Christine Clancy, the City Tree Warden on site.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette read an abutter comment into the record. The letter notes concerns around cleanup of branches, but was supportive of tree removal.

G. Frechette asked whether tree and branch removal is monitored. J. Lee Smith said the applicant met with the abutters on site and said there would be no parking on the abutters property. J. Lee Smith said that the wood pieces reported by the abutter were actually railroad ties presumable owned by the MBTA. J. Lee Smith said the applicant would provide contact information to the abutter for the MBTA.

J. Lee Smith said that the additional dead or dying trees cannot be removed as they do not know who owns the property the trees are located on. J. Lee Smith said the company does not own the trees and only needs approval to remove trees inhibiting access to the right of way.

C. Clancy said she suggests meeting with the property owner again regarding the dead trees which can be managed outside of this matter.

G. Frechette confirmed the applicant will work with C. Clancy about replanting. J. Lee Smith confirmed this and said the trees were smaller requiring only 1:1 replacement. J. Lee Smith said a contribution can be made to the City tree replacement fund if more is required.

Motion:

T. Linnehan motioned, and R. Malavich seconded the motion to approve the application. The motion passed unanimously, (4-0).

Definitive Subdivision: 339-341 Lincoln Street, 01852

Lil Pea Real Estate, LLC has applied for the approval of a definitive subdivision plan that includes the subdivision of the existing parcel into two (2) parcels that do not meet the minimum frontage requirements pursuant Section 5.1 of the Lowell Zoning Ordinance. The property is located in the Traditional Neighborhood Two-Family (TTF) zoning district. The project requires Planning Board approval under Lowell's Subdivision of Land Regulations.

On Behalf:

John Cox, Applicant's Representative

J. Cox summarized the application and previous Zoning Board approval. J. Cox said the lack of sufficient frontage is why the project requires Definitive Subdivision approval. J. Cox said DPD staff was supportive of the application.

Giovanny Cordero, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette said the proposal is in character with the existing neighborhood and is in line with other frontages in the neighborhood. G. Frechette said there is already a large structure on the site.

R. Malavich said he is supportive of the petition.

C. Cheng asked about the proposed parking arrangement. J. Cox said there will be 2 parking spots associated with the new single-family home and there is street parking. J. Cox said the 4 bay garage is used for storage not parking.

C. Cheng asked whether there was parking for the other property. J. Cox said there is no parking for the other property and they are adding 2 total parking spaces with the new single-family home.

T. Linnehan stated there is already an existing road. T. Linnehan said the applicant should remove "ANR" from the plan and add "Definitive Subdivision". J. Cox agreed and said this would be updated. T. Linnehan said the sidewalks would have to be up to City standards. J. Cox agreed.

Motion:

T. Linnehan motioned, and G. Frechette seconded the motion to approve the Definitive Subdivision. The motion passed unanimously, (4-0).

III. New Business

IV. Other Business

Extension Request: 725, 741, 749 Merrimack Street, 01854

The applicant for 725, 741, and 749 Merrimack Street has requested a two-year extension to the Special Permit approval first granted to convert the vacant church into 50 residential units.

G. Frechette recused himself.

On Behalf:

Jim Harrington, Applicant's Representative

J. Harrington said the construction plans are ready to move forward, and the applicant believes he can move forward in the next extension period.

Brian McGowan, Applicant

Discussion:

T. Linnehan said he is supportive of the extension. J. Harrington said the extension date could be from the beginning of February.

Motion:

T. Linnehan motioned, and R. Malavich seconded the motion to extend the approval to February 1, 2024. The motion passed unanimously, (3-0).

Pre-Application Hearing: 190 & 198 Plain Street, 01852

Lowell Development, LLC has applied for a Pre-Application Discussion of plans to redevelop the existing properties at 190 & 198 Plain Street into two restaurants. The properties currently include a VFW Lodge and a parking area for the VFW Lodge. The applicant proposes to demolish the existing building at 190 Plain Street and construct a Popeyes Chicken Restaurant, and construct a similar restaurant on the 198 Plain Street lot. The applicant is proposing drive-through service for both restaurants. The subject property is located in the Regional Retail (RR) zoning district. When the applicant files a full application it will require Special Permit approval per Article XII and Section 11.3 to construct a drive-through serving a restaurant, and Site Plan Review approval per Section 11.4 for construction of a drive-through service.

On Behalf:

None

Discussion:

None

Motion:

T. Linnehan motioned, and R. Malavich seconded the motion to continue the application to the March 21, 2022 Planning Board meeting. The motion passed unanimously, (4-0).

V. Notices

VI. Further Comments from Planning Board Members

VII. Adjournment

G. Frechette motioned, and C. Cheng seconded the motion to adjourn. The motion passed unanimously, (4-0). The time was 8:07pm.