



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, March 15, 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

Members Present

Thomas Linnehan, Chairman

Gerard Frechette, Vice Chairman

Richard Lockhart, Member

Sinead Gallivan, Associate Member

Russell Pandres, Associate Member

Members Absent

Robert Malavich, Member

Caleb Cheng, Member

Others Present

Fran Cigliano, Senior Planner

Jess Wilson, Associate Planner

Dylan Ricker, Assistant Planner

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

I. Minutes for Approval

March 1, 2021

G. Frechette motioned and R. Lockhart seconded to approve the minutes with the condition that "R. Linnehan" be corrected to "R. Lockhart." The motion passed unanimously, (5-0).

II. Continued Business

III. New Business

Special Permit: 32 Wamesit Street 01852

The Applicant is seeking to renovate the existing building at 32 Wamesit Street into a three-unit residential structure. The building currently has two residential units. The subject property is located in the Traditional Multi-Family (TMF) zoning district and requires Special Permit approval per Article 12.1(c) to expand a residential structure to three dwelling units, a Variance per Section 6.1 for relief from the off-street parking requirement, and a Variance per Section 5.1 for minimum open space per dwelling unit, minimum lot size, minimum frontage, minimum front yard setback, minimum side yard setback, minimum rear yard setback, and minimum lot area per dwelling unit, and any other relief required under the Lowell Zoning Ordinance.

On Behalf:

John Geary, Geary & Geary LLC 32 Church St. Lowell, MA representing Ryan Ostler, Owner and Local Police Officer. R. J. Geary informed the Board the R. Ostler was unable to attend the meeting.

J. Geary described the nature of the proposed project and explained that the Applicant went before the Zoning Board the previous Monday and was approved with the following conditions:

1. Impervious pavement will be removed and replaced with a pervious material.

2. The Applicant is to work with the City Building Department to bring the project up to code and comply with all safety regulations.

J. Geary stated that the property appears to have been a 3-family home for many years prior to 1997. It was then converted into a 2-family. This change likely had something to do with tax revenue. The property has been maintained as a 3-family all along and currently has tenants occupying each floor.

J. Geary expressed that Mr. Ostler has been working closely with Commissioner Fuller's office and has a memo from Building Inspector Jose Negrón in support of the project.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette noted that he is not sure when this parcel was designated as Traditional Multi-Family if the existing housing stock was adequately identified. G. Frechette also noted that this is a unique situation where the zoning does not seem to quite match what is existing.

G. Frechette expressed concerns related to traffic congestion, but noted that it is a bonus that the property has a driveway. He stated that density is an issue but also part of the neighborhood character and walkability.

G. Frechette noted that no exterior work is being done to the building.

G. Frechette stated that upgrading the property from a code perspective is a safety issue that benefits the surrounding properties. He reiterated his concerns about the density but stated that he understands the situation and feels that the criteria were adequately met.

R. Lockhart asked the J. Geary to confirm the number of bedrooms.

J. Geary stated that there would be 8 bedrooms. He noted that DPD Staff comments has referenced 6, but that was a typo and the proposed number of bedrooms is 8 as stated in the Project Narrative.

R. Lockhart noted that the Site Plan shows two different types of fencing on the property.

J. Geary clarified that the only fence associated with this property is the wood fence; the chainlink fence mentioned in the Comments is on the neighbor's property.

R. Lockhart asked about a tree in the backyard.

J. Geary explained that the tree straddles the property line and will continue to be maintained.

S. Gallivan stated that all of her questions were answered and agrees with G. Frechette's comments.

R. Padres asked for clarification that the proposal is for 3 residential units with 8 bedrooms.

J. Geary confirmed.

T. Linnehan stated that he had not read the Narrative prior to visiting the site, and was confused by the request to convert a 2-family home to a 3-family home on a property that appeared to already be 3-family. He asked if there is a plan for how tenants will park in the stacked driveway.

J. Geary clarified that the building has existed as a 3-family for quite some time. He also stated that they do not have a scheme for tenant parking. In the past tenants have worked out parking arrangements among themselves and there have never been any issues or disputes over this.

G. Frechette added that the packet included a letter of support from the Building Department in addition to a comment letter from the Department of Planning and Development. He noted that everyone who has reviewed the proposal has agreed that it is consistent with the neighborhood.

J. Geary said that his client has been working closely with the Building Commissioner's office and intends to fully comply.

Motion:

G. Frechette motioned and R. Lockhart seconded to approve the Special Permit with the same conditions as previously set forth by the Zoning Board of Appeals:

1. Impervious pavement will be removed and replaced with a pervious material.
2. The Applicant is to work with the City Building Department to bring the project up to code and comply with all safety regulations.

The motion passed unanimously, (5-0).

IV. Other Business

Tree Preservation Ordinance Update

F. Cigliano updated the Board on the Tree Preservation Ordinance Update. She informed the Board Members that Christine Clancy, the City's Department of Public Works Commissioner and Tree Warden has reviewed the ordinance, as has the City Manager, Eileen Donoghue. F. Cigliano noted that C. Clancy is combing through the proposed update for additional proposed changes. F. Cigliano summarized C. Clancy's comment that the City needs to ensure there will be enough funding in place to support the proposed changes. The proposal would approximately double the number of trees that are re-planted compared to what is currently required. According to C. Clancy, the majority of trees that are cut down in the City fall in the 8"-24" category. DPW already struggles to supply adequate funding and labor so the City will need to make sure that the changes can be accommodated from both a funding and staffing standpoint.

R. Lockhart stated that this is an important step forward to strengthen the Ordinance and asked if more information will be forthcoming.

F. Cigliano confirmed that a draft of the proposed revisions will be distributed once it is complete.

S. Gallivan thanked Fran and the team for putting together the proposed changes and stated that she was happy to see this proposed change.

G. Frechette stated that he had the same concerns that F. Cigliano commented on. He elaborated that cost is definitely an important factor. He agreed that the proposal makes sense in terms of results and hopes that it can be implemented in a practical way.

R. Pandres noted that the proposal may change the calculus when deliberating tree removal, but agrees that this ordinance proposal is a step in the right direction.

T. Linnehan asked if this item would require a motion.

F. Cigliano clarified that it did not; this was just an informal update.

T. Linnehan agreed it would be a good ordinance.

V. Notices

VI. Further Comments from Planning Board Members

R. Lockhart stated that the Historic Board did not meet the previous week.

G. Frechette shared that the North Middlesex Council of Governments (NMCOG) is holding a meeting this week to discuss the recent economic development bill signed by Governor Baker which includes changes to Massachusetts General Law Chapter 40A. G. Frechette expressed concern that a City like Lowell with diverse housing and dense neighborhoods. He noted that with a 9-member body that votes on zoning changes it is not difficult to achieve a super majority vote with a good proposal. G. Frechette expressed concerns that there may be unintended consequences of a simple majority votes to pass zoning changes. He noted that this does not apply to all zoning changes and amendments and expressed that he is not in agreement with what is proposed.

VII. Adjournment

R. Lockhart motioned and G. Frechette seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 7:04PM.