



City of Lowell - Planning Board

Planning Board Agenda

Monday, June 3, 2019 6:30 p.m.
City Council Chambers, 2nd Floor, City Hall
City of Lowell, 375 Merrimack St, Lowell, MA

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell.

Members Present

Thomas Linnehan, Chairman
Gerard Frechette, Member
Richard Snetsky, Member
Richard Lockhart, Member
Robert Malavich, Member
Caleb Cheng, Associate Member

Members Absent

Jordan Gys, Associate Member

Others Present

Patrick Burns, Associate Planner

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

I. Minutes for Approval

II. Continued Business

Site Plan Review & Special Permit(s): 48, 58 & 66 Townsend Avenue, 800.1 & 810 Varnum Ave

An application submitted by John F. Cox, Esq. on behalf of Khmer Buddhist Monks, Inc. for approval of Site Plan Review under Section 11.4 and Special Permit approval under Section 6.7 any other relief required of the Lowell Zoning Ordinance. The applicant is proposing to construct an approximate 16, 800 SQ FT Religious Temple at 48, 58 & 66 Townsend Avenue and 800.1 & 810 Varnum Avenue with two hundred and seventy-four (274) parking spaces, ancillary landscaping, storm water management and utility improvements. The project includes relief for the construction of a driveway longer than two hundred (200) feet. The subject property is located in the Suburban Single Family (SSF) zoning district.

Speaking on behalf of the project: Attorney John Cox, 375 Gorham St. Lowell, MA Representing Khmer Buddhist Monks, Inc. We were here before the Board a few weeks ago. The Board members requested information which we have been trying to put together since. We've been unsuccessful in completing all of that. We are requesting a continuance to July 15th and we are confident that we will have all of the answers to your questions by that time.

J. Frechette: I have a question. Attorney Cox, do you know if you will have gone before the Conservation Commission before you come back to us in July?

J. Cox: We are hopeful of that. The last time there was conservation meeting, we asked for a continuance for a lot of the same information and for MEPA, ArmyCorp, DEP, most of those issues deal with the Conservation Commission. Because we are relying on those agencies for information, we're extending it out another month and a half.

J. Frechette: For myself, that's a critical component I feel in making our final decision. I certainly would feel better with the flooding, that when you present a final proposal that would already have received an order of conditions and approval from the Conservation Commission.

Motion:

J. Frechette made a motion to approve the continuance to July 15th. The motion was seconded by R. Lockhart with unanimous approval by the Board (5-0).

Site Plan Review: 157 Billerica Street 01852

An application was submitted by Chloe, LLC for site plan review of the proposed project located at 157 Billerica Street. The applicant is proposing to construct three (3) residential townhouses on the subject family. The existing site has a single family structure, which will remain. The subject property is located in the Suburban Multi-Family (SMF) zoning district.

T. Linnehan: We received a letter requesting a continuance from the engineer of the project, Matt Hamor. He indicated that they need more time to address questions brought forth by the Board and has requested a continuance to June 17th.

Motion:

R. Malavich offered a motion to approve of the continuance to June 17th. **R. Snetsky** seconded the motion with unanimous approval by the Board with unanimous approval by the Board, (5-0).

III. **New Business**

Site Plan Review: 181 Stedman Street 01851

An application was submitted by Pure Industries, Inc. seeking Site Plan Review approval to open a marijuana cultivation facility at 181 Stedman Street. The building is in the Light Industry, Manufacturing, and Storage (LI) zoning district and needs Site Plan Review approval from the Planning Board under Section 7.10 and 11.4 and any other relief required under the Lowell Zoning Ordinance.

Speaking on behalf of the project: Andrew Statires: I am with my business partners, Todd Brady and Jim Statires, we are representing Pure Industries. We received a host agreement with the City of Lowell at the end of last summer. We have been working with builders and engineers getting through the state application process. We are here to take next step in opening up what will one day be a thriving business in Lowell. We are here to open the lines of communication and we are open to any questions you may have about our business and building.

At this point, I can speak to why we feel we are a good team here. We have a lot of experience in this business. Todd has operated a cannabis fertilization company for the last 7 years. He supplied, manufactured, and distributed fertilizer to grow houses and cultivation facilities across the country. 2 years ago, in addition, he opened a similar style facility in Denver which is 10,000 sf. where they are growing high end cannabis and selling it there. Jim and I have experience in retail and restaurants in Boston as well as in real estate. We live locally within a half hour of here. We want to make sure we are doing this right and we want to make sure we can answer any questions.

Exhibits: Letter submitted by John Moran, Managing Partner of Moran Realty dated 5/26/2019

Speaking in favor:

Jeremy Field, 58 Varney Point Rd. Gilford NH. I own the Stedman St building in Lowell. I've had a business in Lowell for over 50 years. We have looked for a tenant. We have had many reach out to us in this industry to make use of the building and this is definitely the best group we've had apply.

Speaking in opposition:

None

Discussion:

R. Lockhart: Could you explain the odor mitigation and prevention plan? It's an important issue I've learned and I'd appreciate if you would go through that.

T. Brady: I have extensive experience in the cannabis industry and in managing similar facilities in Aurora, CO which is licensed by the state and city. Odor is one of the most important aspects from an engineering perspective and from a planning standpoint. We have built a facility to manage potential odors that may go into the area. We received the letter of concern from the neighbor regarding the odor. We want to make sure that there is a sufficient odor plan to make sure it doesn't impede businesses down the street. We believe we have 99+% odor controls in the facility. In the HVAC system, we have a plasma filters that will not only scrub the air but kill any odors that go through the system and all of the cultivation rooms and anywhere that there will be unprocessed and unpackaged cannabis there will be carbon filters which will also constantly scrub the air. There will be sealed rooms and there will not be exhausts going from inside of the building outside. In addition, all walls will be sealed from a moisture and air perspective so they will not be permeable to other walls or adjacent buildings. In Aurora, CO, they have an ordinance requirement and I feel that we have met those requirements.

R. Lockhart: You are contracting this work to a local company?

T. Brady: Correct, we are working with a local contractor as well as engineers on the HVAC side and electrical and plumbing. We have a letter from our engineer that they feel comfortable with the odor systems in the building to manage the potential odor issues.

T. Linnehan reads letter sent from John Moran, Managing Partner of Moran Realty to the Planning Board requesting odor mitigation for the proposal.

R. Snetsky: Thank you for the additional clarification that you outlined. This has been the most important issue that I have been concerned with. We aren't engineers here so we can't really attest the validity to the statement. As we have done with other applicants, I propose that we incorporate your narrative into our approval. Prior to issuance of a building permit, the applicant shall submit a certified HVAC odor mitigation plan with documentation that the plan matches the narrative. This is consistent with the other applications for cultivation sites. I know that the CCC is still developing some regulations so we may be a little cart before the horse here. I would offer that as a condition of our approval.

R. Snetsky: I noticed that the unit that is designated 14 had a number of exterior doors? Are you keeping those?

T. Brady: Most doors will be closed off, we will have 3 total. One for the entrance, one on the backside as a means for a second egress, and we will keep one of the roll up doors where we will have removable bollards to manage deliveries in and out of the facility. Otherwise, the rest of the roll up doors and other doors will be cinder blocked up to maintain a consistent look with the remainder of the building.

R. Snetsky: I know the police department has endorsed your security plan. Those were my only questions.

R. Malavich: I have two questions concerning waste material, both dumpster and biological waste from the plans. I didn't notice a dumpster location on the plan.

T. Brady: The plan is to have a dumpster left inside of the facility and on trash day we will move it out for pick up. We won't have a dumpster that sits outside the facility. Everything will be self-contained. In regards to the plant material, we will be working with a composting company. There will be a 50/50 mix of plant material and other soil so its indistinguishable material on exit of the building.

J. Frechette: On that point though, looking at the plan shows an existing dumpster. This is the time to clean that up. Our existing ordinance requires dumpster be fenced in and screened in.

T. Brady: That dumpster services other units in the building. We can take care of that.

J. Frechette: Now is the time to address and clean up the site as site plan review.

T. Brady: Sure, we can do that.

J. Frechette: The city's traffic engineer acknowledged the fact that the traffic would be minimal. One question from the staff letter, could you go over the frequency and timing of deliveries?

T. Brady: There will be no more than one delivery a week from a supply perspective. They will be 28' trucks not 53' trucks that come into the location. Our suppliers have been notified of that. We will have waste management come twice a week and then a composting company

that comes once a week to pick up material. Our estimation is that no more than 5 deliveries a week from a truck standpoint.

J. Frechette: This is the location and types of buildings that the city had in mind. We want to be respectful of other business in the area but you don't have other residential development in the area. It really is for this type of facility. It is appropriate from that perspective. You appear to exceed the parking requirement. You address the odor although it is still a little elusive. We will see when those facilities are up and running and hopefully technology is going to accomplish by eliminating external odors.

T. Brady: Does our engineer have to sign off the HVAC report or is that someone from the city?

R. Snetsky: The way we've said it before is the applicant shall submit a mitigation plan certifying that the plans match the narrative. I would say if you have a certified engineer provide that, that would fall within the purview of the building department. A certified engineering plan for the odor mitigation system would suffice.

J. Frechette: The intent was to at least ensure that what's being represented in the plan is what's been put in place. I think we have also deferred to complying with the state regulations, right?

Staff: Yes

C Chang: I concur with the rest of the board with regard to the concerns of the rest of the board and neighbors. Also, I wanted to mention one remaining requested item raised by the Stormwater office which was requiring a utility plan and drainage plan for the site so that they can evaluate.

T. Brady: A drainage plan is being developed.

Staff: We received confirmation that there are leaching basins on site. The wastewater dept. was happy to hear there is current infiltration on site. They request that catch basins are cleaned and maintained.

R. Lockhart: I have a question regarding the comment memo #1B stating the Fire Dept. has received the plan. Fire Dept. access must be maintained at all times. Do we have confirmation that it has been approved?

Staff: They have reviewed this and have approved it. They have access right now and it shall be maintained.

R. Lockhart: Are you taking up the whole building or just the middle portion of it?

T. Brady: No, not the whole building, we are taking up 14,700 sf. which is currently vacant.

R. Malavich: On the parking, are those spaces striped and meet city code?

T. Brady: Yes, they are striped.

Motion:

J. Frechette made a motion to approve the site plan review application with the following conditions:

1. The narrative regarding the odor mitigation is accepted and prior to issuance of a building permit, the applicant shall submit a certified HVAC odor mitigation plan with documentation certifying that the plans match the odor mitigation narrative as accepted by the Board. The plan shall comply with state Cannabis Control Commission regulations relative to odor mitigation.
2. The existing dumpster on the site must be screened in accordance with the city ordinance.
3. The applicant shall comply with the request from the LRWWU
4. The applicant shall maintain Fire access at all times and all applicable codes and standards shall be met for this occupancy type and operation within the existing building.

R. Lockhart seconded the motion with unanimous approval by the Board, (5-0).

IV. Other Business

V. Notices

VI. Further Comments from Planning Board Members

R. Lockhart: The historic board is continuing to work with National Grid on the building at the corner of Rock and School Street and their application for demolition. We will be discussing this on June 10th.

J Gys is resigning from the Board as of tomorrow. I want to wish him well and thank him for his dedication and time to the city being on the Planning Board.

R. Malavich: I will be out on June 17th.

VII. Adjournment

J. Frechette made a motion to adjourn the meeting and R. Lockhart seconded the motion with unanimous approval by the Board, (5-0).