



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday June 15, 2020 6:30 p.m.

Conducted via Go-To-Meeting

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

Caleb Cheng, Member

Russell Pandres, Associate Member

Sinead Gallivan, Associate Member

Members Absent

Robert Malavich, Member

Others Present

Fran Cigliano, Associate Planner

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

I. Minutes for Approval

June 1, 2020

R. Lockhart motioned and G. Frechette seconded the motion to APPROVE the minutes from the June 1, 2020 meeting. The motion passed unanimously, (5-0).

II. Continued Business

Special Permit: 246.1 Market Street 01852

Emerson 100 Real Estate, LLC to amend a Special Permit granted to convert the former mill building at 246.1 Market Street into residences. The building is in the Downtown Mixed-Use (DMU) zoning district and the applicant is seeking Special Permit approval under Section 8.1 to increase the number of residential units from 13 to 29 and for any other relief required of the Lowell Zoning Ordinance.

On behalf:

Catherine Flood, Applicant's Attorney

Steve Monahan, Monahan Technologies

Brian Monahan, Monahan Technologies

Ai Kurokawa, Isgenuity

Martin Batt, Isenguity

C.. Flood: This property is in the DMU zoning district and artist overlay district. The applicant is looking to convert the structure into 23 units. In 2014, proposed to convert to 13 units. Since then, has been sold and has done a complete demolition of interior of the building. Granted a variance for off-street parking. At hearing, the ZBA members had some concerns about the small unit size. Since then, we have reduced the number of units and increased size of the units. Five 2 bedrooms and 18 one bedroom units. Only three are less than the required square footage. Development will enhance the neighborhood's appearance. Will be consistent with other buildings on Market Street and enhance goals to create vibrant safe environment in which to work and live. No significant change to exterior aside from adding

windows and cosmetic work. Economic needs are enhanced due to more property taxes and more residents to support local businesses. Will offer more affordable housing options to live in the downtown area. Will turn vacant mill building into beautiful attractive places for people to live. Removes parking garage on the first floor, which cuts down on traffic through the area. Plans as they've been revised show drop-off area for loading and unloading. Will be served by City water and sewer.

A. Kurokawa: Shows scope of work, between two Canal Place buildings. Rendering same as last time. As Catherine noted, integration of more welcoming approach to the building while retaining the wonderful historic character. New entry area with a canopy will welcome folks to the area. Buffer zone of green space will be between building and vehicular access. Area for bike racks. Previously, we had 29 total units. Our focus past month has been to reduce densification. Number now is 23. 17 of previous 29 were under 750 sq. ft. Only three are under 750 sq. ft now. Diversification of units – not just one single unit, also two bedroom units. We were thinking of the neighborhood need of potentially families that could be occupying this building. Also focused on the rooftop. Luckily for us, we've been able to think creatively about placement of units. We feel they will address the concerns neighbors have had. Presents first floor layouts. Has integrated a common shared amenity space. Once you come in through the entry, lobby seating, a mailbox, functional items. Shared amenity spaces. 300 sq. ft gym. Beyond that, recreation room. Could be utilized for all the tenants. Have been able to increase size of units that were previously smaller. Sq. Footage closer to 800 sq. ft. now. Two bedroom units very sizable. Two private bedrooms. Enclosed bedrooms, small window to provide lighting and ventilation. Private and common bathroom. Potentially a washer drier hookup. There are other support spaces, recycling room, package space. Use of a side door as another means of entry and exit. Allocation of spaces to support the building. Common laundry space. Second floor has remained the same. This is the unit with a mezzanine - second and fifth floor has mezzanine. Total sq. ft of bedroom and mezzanine above 750 sq. ft. No changes made on these floor plans, aside from extending units through extending the walls. Third floor: there are four units. There are two, two bedroom units, two one bedroom units. Layout of the two beds is somewhat similar. Fourth floor, very similar to third floor. Total of two, two-bedrooms and two one-bedrooms. This floor has columns, integrated into the architecture. Have allowed us to reallocate space into the separate units. Four units on this floor. Fifth floor, similar to second floor. Ones with mezzanines. Sq. footages are noted. Roof plan. We've updated for a couple of things. We were missing one of the windows, added accordingly. Existing stair bump-up. Area of the flat roof. In terms of rooftop design, we are paying attention to the elevator, going to design elevator that does not need a "pop-up". All of the structure and mechanisms are able to fit within mezzanine space. So that mezzanine space is helpful to keep the roof flat. Only thing we will look at is vent that is required by building code. Only a couple feet of extrusion on roof top. For rooftop air condensing unit, placed in area most remote from view and most sensitive to noise.

B. Monahan: I had a conversation with a neighbor. He thought the best possible location for a condensing unit would be where it is shown on the plan. Told him we would put up a screen also. He was amenable to that and I believe that made him happy. Other equipment, not rotating metal, just a doghouse for ventilation for the building. Other receptor I had mentioned earlier, we have strategically offset that based on code. We have been listening to comments from last conversation, working hard to make changes on the drawings to satisfy the needs of adjacent neighbors.

Speaking in Favor:

Craig Himmelberger, 200 Market St, unit 617

C. Himmelberger: I am good friends with Jim Wild. I want to thank everyone for working so closely with us regarding the roof. This building captures the spirit of the neighborhood. We really like the changes that have been made to the layout and units. I would like to be support this development as submitted.

Speaking in Opposition:

None

Discussion:

R. Lockhart: Can you comment on potential noise from the rooftop?

B. Monahan: The intent of the noise barrier - can help mitigate noise that would be experienced by Jim who happens to open his window. Wouldn't be so disturbing to him. Other equipment on the roof has low DB values. Mindful of that. Will do everything we can to mitigate it. Made every effort to keep big, rotating equipment from the roof. Great way to ensure we are controlling sound levels on the roof.

S. Gallivan: I have a few comments and questions. I do want to say, there have been a lot of improvements shown over time. Getting rid of parking from the first floor is a big win. Having fewer units under the 750 sq. ft requirement is also an improvement. It wasn't totally clear to me whether the mezzanines would be counted as bedrooms. Hoping to get clarification.

A. Kurokawa: No, not counted as second bedrooms. All second bedrooms are on the same floor. Mezzanines to be used as an artist studio loft space. Single units with mezzanines.

S. Gallivan: You described adding windows to meet ventilation requirements. How would that work with internal bedrooms?

A. Kurokawa: Beds closer to the front of the area. Not walled in. Can be a movable screen. Existing ground windows will be restored which would meet the code requirements.

S. Gallivan: What count of the units are handicapped accessible?

A. Kurokawa: We provided a breakdown. By code, minimum number is two. We certainly surpass that, have integrated into the planning.

S. Gallivan: I wanted to confirm because some bathrooms looked tight.

G. Frechette: I want to thank the applicant for presenting plans that the public can see. Having them on the screen has been helpful for the Board members. Looking at renderings and the roof plan, and preserving windows and exterior – this is last piece of the puzzle that will really dress up the interior façade of all those buildings. Regarding the rooftop, I want to commend applicant for working with the abutter who would be most affected. Not an expert on how elevators would work. Not sure how exhaust fan would appear on roof, how much noise it would create. Could you elaborate?

B. Monahan: That's essentially a duct that leads from enclosure of the elevator to the roof. Device that can be opened if it detects smoke or heat. Not a rotating device or emanating noise, just a static goose neck. As far as flexibility of where it could be, tried to push as close to the wall as possible. Could be further away from windows if that's a problem for Jim. That duct needs to maintain the rating of the shaft of the elevator, the fire rating, all the way up to the roof.

G. Frechette: How much would it protrude above the roof?

B. Monahan: 3-4 feet or so.

S. Monahan 3 x 3 x 3 ft tall. Cube sitting on top of the elevator. We can position it to one side or the other, but the Fire Department needs to be able to look down that and vent the elevator shaft. Tied to where it has to be. Basically a silver aluminum box with a piece of glass on the side of it.

B. Monahan: We are more than happy to relocate if its obstructing his view. In a general sense, he was happy with what we are doing on the roof.

G. Frechette: Would still be subject to DPD approval - work with the abutter, if there was impact, would come back before this Board. The air conditioner condensing unit, the noise factor? Is there some sort of noise suppression that's being used?

B. Monahan: These ultimately are residential grade, similar to what you'd have in your own home. Tend to be much quieter.

G. Frechette: Concentrating a large amount in one area, curious about that.

B. Monahan: Will cycle on and off. Providing noise barrier will prevent from getting directly into occupants' home. In a general sense, he was pleased with it. We don't look at this like the process stops here. Ultimately, this is going to be a long project, we will be working with Jim continually, we want to push forward in the right way. We don't think we have free reign to do as we please. Still need to face the Historic Board, Building Department. We have fantastic architects that pay attention to nuances.

G. Frechette: Do you have a profile of what the screening is going to look like?

B. Monahan: Not yet, just conceptual. We feel like we have a long way to go, a lot of work to do. We can definitely go through the process with the Building Department to sort out what that could be.

G. Frechette: Looking at a condition, subject to DPD approval. Would love - if we are voting on it - to see what is being proposed, but we understand you are still working with the abutter and the intention is to mitigate noise. Hopefully this will alleviate as much intrusion into sight lines as well. Would have liked more detail but that's fine.

C. Cheng: How are the levels separated in regards to window openings? Having different floors with mezzanines, different sizes of windows?

M. Batt: What we really endeavored to do was keep floor heights where they would have minimal negative impact. Ceiling height in the living space is double. Able to keep actual windows intact. Objective of why the layout is what it is. The ground floor is the one that's the most different in that there will be a break up above the super tall windows on the first floor.

C. Cheng: Has there been any consideration of the treatment of the entryway into the units?

M. Batt: Stairs are part of title to the property we have. We are actually not moving that. We put in new separate stairs to meet the code requirement. We need to maintain code compliance. If there is something less than ideal, this little footprint of the site has not really been developed.

C. Cheng: So part of the plan is to mitigate, but not sure of details?

M. Batt: The site has grade changes, but grade changes aren't outside of what would be normal responses to a landscape in an urban environment like that.

C. Cheng: I do see a rendering of the building. Is that what you are proposing or just a concept? Is the rendering what we might see in the future?

M. Batt: The concept is accurate in that the stairway door that leads out, we are showing a landing of that staircase and potentially a surface that goes down to an area with a landscaped buffer. Moved sidewalk away from the building. Then slight grade change, we will address that with some paving.

C. Cheng: Fire hydrant is in the way also. Aside from what's engraved in the stone midway up the building, is there any other signage planned to differentiate the property from neighboring properties?

M. Batt: Not addressed or thought of yet. Hasn't been branded, haven't thought about marketing yet. Will certainly work on it.

C. Cheng: Lastly, noticed that you put bike storage in basement, no ramp or elevator going to the basement. Consider putting a bike access ramp on exterior stairway on right hand side of property. They sell rails you can attach to stairs. We really appreciate the thought and interest of the Board to promote good access to all types of transportation.

M. Batt: Good observation. Will end up looking at pathway at the back of the building, one that is at a lower grade, will spend time looking at that to see if there's slope access to get to that. If you're a cyclist and you access it from riding around, there might be a simple way of accessing that.

T. Linnehan: The presentation did a good job of laying out the questions I had – same as the other Members regarding the roof. Applicant did a good job working with the neighbor.

Motion:

G. Frechette motioned and C. Cheng seconded the motion to APPROVE the Special Permit under Section 8.1 with the following conditions:

- 1) The applicant shall continue to work with the abutter regarding noise mitigation and minimize sight intrusion on the rooftop, subject to DPD approval.
- 2) The applicant shall submit a landscaping plan, subject to DPD approval.
- 3) The applicant shall provide bike racks and bike rack access, subject to DPD approval.

The motion passed unanimously, (5-0).

G. Frechette motioned and C. Cheng seconded the motion to APPROVE the Special Permit under Section 9.2.5(3) with the same conditions. The motion passed unanimously, (5-0).

Site Plan Review & Special Permit - 113 Walker Street 01854

JJN Realty Trust applied for Special Permit and Site Plan Review for a proposed nine (9) unit residential development at 113 Walker Street. The existing structure is a two-family home on a 37,036 sq. ft. lot located in the Traditional Neighborhood Multifamily (TMF) zoning district. The applicant proposes to demolish the existing structure, subdivide the lot and construct four (4) townhouses on Lot A, and four (4) townhouses on Lot B. The applicant is seeking Special Permits for Lot A and Lot B for the use of four (4) to six (6) dwelling units on a single lot, and Site Plan Review for a development with more than three (3) dwelling units.

On behalf:

John Cox, Applicant's Attorney

Matt Hamor, Applicant's Engineer

J. Cox: This has been around for a while. Project first began in September. Began as a nine unit request, subdivide the lot and build four units on one lot and five units on the other. Down to four on each lot. I know there were conversations with neighbors and the city. Those conversations have yielded some good results. Currently on 37,000 sq. ft. of land, property underutilized. Master plan calls for diversification of housing. One of the aspects where this project applies to the Master plan. In looking at various memos from the City, and neighborhood requests, things have changed. Amended from 9 units to 8 units total. I spoke personally with one of the direct abutters. Concerned about small sign, took care of that, put up a bigger sign. If this was approved, the entire sidewalk would be brand new, plenty of parking, this would call for 30 parking spaces, each unit would have a garage and two parking spaces. Based on

neighborhood concerns, there would also be parking for deliveries. New fence on both sides of the property. We would add four new trees in the front. No-cut ten foot buffer zone in the back. Walkway in front of the two duplexes. Eight foot patio on the back. Add four new trees on the lot line between Lot A and Lot B. As far as financial impact, this lot generates about \$5,600 per year in taxes. We expect the units would go for \$325,000 each. That would put us at a \$36,000 annual tax levy on this property. Quite substantial. Board requested new windows on the sides of the buildings. Not shown on plans as of yet, but will put them in.

M. Hamor: There have been changes to the plan in response to DPD comments. I'll walk through some of the same items Attorney Cox mentioned. There's going to be four trees along the lot line. Also a vinyl fence on each side of the property, solid white vinyl fence. Suggested at meeting with DPD to have a ten foot no-cut buffer zone to separate from the parking lot on the property in the rear. Individual 8' x 8' patios in the rear. In order to alleviate some of the parking concerns, we added visitor parking spaces here. Three spaces here. On space furthest to the left, we have a sign that says visitor parking, 30 minute limit, 8am-6pm. Facilitate delivery vehicles. That will accommodate delivery vehicles such as UPS and Amazon. Identically on the other side, same scenario. Project will fully mitigate runoff. Full subsurface infiltration system.

J. Cox That's the proposal. It's changed. It was changed in February. Big highlight is the parking – which clearly is an issue in every neighborhood. No on-street parking needed with this proposal. We think it would help this neighborhood in that regard. We think it's going to be a beautiful proposal. Would like to continue to work with neighbors to make it a better proposal. Want to come back with where we are at now to see where to go from here.

Speaking in Favor:

None

Speaking in Opposition:

Tanya Kenney, 800 Broadway Street

Matt Gould, 800 Broadway Street

Dave Ouellette, 113 Cabot Street

T. Kenney: Concerned about parking and trash issues with this complex. Why isn't there a dumpster? There's going to be all these units, sixteen trash cans in front of this house. Realistically, it's going to be rented to college students. The trashcans are going to be out there for an entire week. Where we live, there's not enough visitor parking, have to park in the fire lane. No one enforces them not parking there. Per city bylaw, any open parking facility shall be screened. They don't have enough open space around the parking, or in general.

M. Gould: We live in a condo with seven units. We have a dumpster. I don't understand why they don't have a dumpster. If you drive down my street, there would be fourteen garbage cans out front. Looking at this property, sometimes we have to hire a dump truck to remove snow. I'm not understanding where they would push the snow to when they plow.

J. Cox: Very valid points. Happy to work with Matt and the developers. Exactly why we are hoping to have this meeting to see how we can make this a better proposal.

T. Linnehan: Didn't MH previously address snow removal?

M. Hamor: Looking at this plan, we have ample snow storage outside of visitor parking. It's predominantly open along edges of the driveways. We have plenty of snow storage space. Other comment regarding dumpsters - we prefer to do individual trash units within the garages and do private trash pickup. Cleaner than doing an open dumpster.

T. Kenney: What does it mean to have private trash?

M. Hamor: Can have a condition for private trash pickup. Also, the city requires 500 sq. ft. of usable open space per dwelling unit. We have 1670 sq. ft usable of usable open space per dwelling unit with this development.

D. Ouellette: Seems to go back and forth and have an identity issue. With everything there, they should have a dumpster. Parking is only good if this is considered a one or two family. Also, added parking at the end of a fire lane. Not sure if the Fire Department has approved the extra parking. Reason they don't want to use a dumpster, they couldn't put it there. No place to put a dumpster. We get quite a bit of snow, by stacking it in all the green spots, it's going to be right beside the house. Where would the heating units go? Could be a carbon monoxide issue. Definitely no on-street parking in the area. It's a very congested area. I know this property is not, but surrounding area is very congested. Those are my points to ponder but would like to make sure the Fire Department approves.

Discussion:

M. Hamor: We could put in a fenced in dumpster directly into where the visitor parking spaces are.

J. Cox: Would be happy to meet with D. Ouellette to discuss those points.

G. Frechette: Fran, has a swept path analysis been performed?

Fran Cigliano, Associate Planner, City of Lowell: I have not received one.

J. Cox: It has not happened yet.

GF: I'm perplexed with the comments from the Fire Department. I'm aware of similar projects and don't recall such confusion. These are large lots, 18,000 sq. ft. Parking is well beyond the requirement and exceeds properties that exist there already. From a site plan review perspective, most elements are addressed without variances. Everything is met from a dimensional perspective. More clarification on the parking, LFD may have questions on how its laid out, but comments seem to be incorporated into plan. For screening, they are proposing a white vinyl fence. It's been an issue with DPD from the beginning – the idea is to have, in essence, two different developments, yet it has the appearance of one big condo development. From a streetscape perspective, two units are visible from the street. Visually, it is going to fit in with the neighborhood. For site plan review technical requirements, this proposal pretty much meets them. Some things still need to be honed in the project. I know the concern of the neighborhood – there's not an open spot on the street to park. Based on the requirements, the application is exceeding open space requirements and parking requirements. I don't know what else you would want if this is to be developed. They are not asking for variances. They are covering what is required. Those are my comments. The applicant needs to work out issues with the Fire Department. Safety concerns are a big issue for the Board. Looked at similar projects, and some are a bit more challenging, and we have not had an issue. Water commented on water lines, I'm assuming the applicant is willing to make that change.

R. Lockhart: I have no questions.

C. Cheng: I concur with Member Frechette. My concern would be for the trash. If the developer offered other alternatives to take care of trash cans, I think that's a solution that would be acceptable.

S. Gallivan: To add to Jerry's comments, comments from the Building Department regarding the snow locations as well as the dumpster locations. Also the comments from the Water Department and Stormwater Department.

J. Cox: Very valid points. We will at our next meeting have all those issues addressed. I think tonight we wanted to get back with the Board after time off and reestablish this plan. It's a work in progress, we want to continue to work with neighbors. We will evaluate whether a dumpster is a better proposal, delineate snow storage better on the plan, and consider comments from City departments.

T. Linnehan: Most importantly addressing the Fire Department. There are concerns about safety.

Motion:

R. Lockhart motioned and G. Frechette seconded the motion to continue the petition to the July 20, 2020 meeting. The motion passed unanimously, (5-0).

Site Plan Review & Special Permit - 776 Lakeview Ave 01850

Peter Marlowe on behalf of Louis Gagnon is seeking Site Plan Review, Special Permit, and Variance approval at 776 Lakeview Ave. The applicant is seeking to convert the second and third floors of AG Hardware store into 10 residences. The property is in the Neighborhood Business (NB) zoning district. The proposal requires Special Permit and Site Plan Review approval from the Planning Board to create more than three dwelling units, Variance approval from the Zoning Board to exceed the maximum Floor Area Ratio (FAR), and for any other relief required of the Lowell Zoning Ordinance.

On behalf:

Peter Marlowe, Applicant's Representative
Anthony Nganga, Applicant's Architect
Pat Flaherty, Applicant's Engineer
Louis Gagnon, the Applicant

P. Marlowe: Reads historical narrative. Met with Joe Cady and addressed any and all requirements from departments, putting in some planting and garden areas. 5% total grassy areas in the parking lot and room for snow removal storage. Louis and Amy's commitment to neighborhood has had a positive impact in the neighborhood.

T. Linnehan: You've already went before the ZBA. Expand on parking?

P. Marlowe: Parking wasn't 9 x 18 spaces. Redesigned with Joe Cady. Made two entrances. Wanted to see islands. That whole area is nothing but hot top right now. Divide Island Street from the parking area. Were able to do that and get handicapped parking in there. Have not done test pits yet. Will work with engineering for proper drainage. 1 hour collection in a 5-year 24-hour storm.

T. Linnehan: The ZBA gave approval with some conditions?

P. Marlowe: Yes, we will be working with Planning and Engineering. Will work directly with Planning for the landscaping plan. We go overboard on it, I do it myself. The plan really speaks for itself.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette recused himself from this hearing.

R. Lockhart: One question regarding safer crosswalk across Island Street. Could you expand on that?

P. Marlowe: Currently no sidewalk going from Lakeview Ave to the parking area. There is a city sidewalk that stops about ten feet into Island Street. We will bring that all the way down to a new crosswalk that will bring them directly across the street to the parking area.

C. Cheng: I wanted to clarify regarding staff comments. The applicant is requesting waivers. Any change to those waivers? Layout, lighting, landscaping, utilities, drainage.

P. Marlowe: In order to do the drainage, we have to dig up the parking lot. Once we get the approval, we will dig up and regrade, we don't want to dig it up and then not get approved. Will do test pits afterwards. The City is not asking for a lot on drainage.

P. Flaherty: The City doesn't require much. Lately we've all been involved with the drainage systems the state has mandated. We have to make some sort of improvement. No drainage there right now, water runs down the street, we will improve it by putting in some catch basins. Not attached to a drainage system. They would infiltrate water through stone underground. Only having to take care of the first hour of a five year 24 hour storm. Essentially the first inch of a storm to take care of. The idea is to get water directed to an area where we can leech it into the ground. We have to be flexible regarding its location as there could be remnants/rubble from previous buildings underneath the parking lot. Don't want to be hole punching into Mr. Gagnon's parking lot.

C. Cheng: Are we looking for a drainage and landscaping plan?

P. Marlowe: Will work with DPD for landscaping, and engineering for drainage. Will have to work with them for the test holes anyways.

C. Cheng: Wondering if you plan to do a swept path analysis?

P. Marlowe: That hadn't come up. Lots of parking, hot top. LFD didn't bring it up.

C. Cheng: Wondering if you had any plans for the vintage signs. Definitely have a history. The new renderings do not show them up on the back.

P. Marlowe: One of the large signs will be removed because the windows will be replaced.

A. Nganga: We did talk a little bit about the signage. Because we are going to be stripping a lot of panels – don't know what we are going to find – signs are fairly old, we may have to talk to the City in terms of getting approvals for new signage or if we reuse what's there, where we place them based on where the windows are. I think the windows take priority over signage.

C. Cheng: Certainly a landmark in the neighborhood. Would like to have that considered as part of the plan.

R. Lockhart: For your parking plan, do you plan to distinguish between residents, visitors, customers? Will you factor that into your layout?

P. Marlowe: We will be assigning spots to apartments.

R. Lockhart: Could you please speak to the question from the comment memo about whether the parking area will have one way or two way vehicular traffic, which would determine the minimum access drive?

P. Marlowe: We made it wide enough for two way traffic.

S. Gallivan: Is there any additional lighting planned for the site given the number of units and the crosswalk?

P. Marlowe: How we've been addressing lighting on our buildings, we have been using LED wallpacks. In this case, we will put wallpacks on these buildings. Also, we are adding two poles in the parking lot based on our conversation with the ZBA.

R. Pandres: To clarify, has the Fire Department reviewed the most recent site plan from June 8?

F. Cigliano: The Fire Department has not sent over any comments or concerns in response to materials sent to them.

R. Pandres: Could you address the Building Department's comments regarding the curb cuts for Island Street?

P. Marlowe: We don't want to enter from Lakeview Ave. Traffic is too busy.

R. Pandres: Most recent site plan is proposing a sidewalk on Island Street. Does it cross Centerville Social Club property?

P. Marlowe: It's on City land.

T. Linnehan: Addresses the remaining building comments. Door swinging out into the public way.

A. Nganga: The plan we resubmitted showed entrances recessed so that the door does not swing out onto the ROW.

T. Linnehan: Drivers on Island street to be notified to watch for pedestrians using a sign?

P. Marlowe: Sure, no problem with that.

T. Linnehan: Addressed comments 4, 5, and 6. Could you touch on comments from Engineering?

P. Marlowe: All of the parking spaces are now 9' x 18'. We established a walking path from the parking area to the building. They suggested to construct a sidewalk, we did that. To delineate the parking area, we ended up putting in planted islands. We have plenty of snow storage. We did relocate the dumpster and I sent a photo of the enclosed dumpster we would use.

T. Linnehan: On the side street where there's parallel parking now, fire lane there?

P. Marlowe: That would be 30 or 15 minute parking, short term parking. 2 or 3 spaces there.

C. Cheng: I know the site plan is still in development, but there are requirements for landscaped open space. 5% of the total area of the parking lot.

P. Marlowe: We will be showing that we have 5% to DPD. They want to see less hot top and even bark mulch in the snow storage area so that there's less paving.

S. Gallivan: Will the wall system on the exterior be replaced?

A. Nganga: I think there was a photograph that Peter sent later on before the second ZBA meeting and it's actually a rendering of the old building. There was siding and windows on the building before. We will be doing vinyl siding to match the building next door and across the street. Render it more with a residential look to it. The lower section, we will try to maintain what we can.

S. Gallivan: Could you please describe the mechanical systems serving the units? Where will you place them and will they be visible from the street?

P. Marlowe: Small condensing unit on roof that comes down to each apartment. Doesn't take much to run apartments that way. All electric no gas. High efficiency.

Motion:

C. Cheng motioned and R. Lockhart seconded the motion to APPROVE the Site Plan Review with the following conditions:

- 1) The applicant shall submit a landscaping plan and site layout for the parking lot, subject to approval by DPD.
- 2) The applicant shall receive final approval from the Lowell Fire Department, City Engineer, and Lowell Regional Wastewater Utility.
- 3) The applicant shall receive final approval of the parking lot layout and pedestrian sidewalk on Island Street from the City's Transportation Engineer.
- 4) The applicant shall receive final approval from the Engineering Department regarding the dumpster location.
- 5) The applicant shall submit a fully updated site plan that includes dimensions for parking spaces.
- 6) The applicant shall submit a lighting plan subject to final approval by DPD.

The motion passed unanimously, (5-0).

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

Site Plan Review & Special Permit: 450 Chelmsford Street, Unit 7 01851

Mayflower Medicinals, Inc. is seeking Site Plan Review and Special Permit approval to open a medicinal and a recreational marijuana dispensary at 450 Chelmsford Street, Unit 7. The property is in the Regional Retail (RR) zoning district and the uses require Site Plan Review approval under Section 11.4.2(8), Special Permit approval under Section 12.4, and any other relief required of the Lowell Zoning Ordinance.

On behalf:

Brian Akashian, Applicant's Attorney
John Henderson, CEO of Mayflower Medicinals

B. Akashian: Met with City Transportation Engineer, Natasha Vance. Plan included speed tables and bollards. Additionally, Ms. Vance received the blessing of DPW and they were on board with what we are proposing. Here to answer any questions the Board may have.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette: Thank you for following up on those items. Thanks to the head of DPW because there were conflicting opinions on the speed bump tables. I appreciate the cooperation. On the revised site plan, I couldn't find placement of the bollards?

B. Akashian: I had the same question for the engineer. If you look at the speed table, there are black dots that represent the bollards. There are 8 per speed table. That's where they're located. Your concerns were cars going around the parking lot. His response was, having bollards will direct people onto the speed table. With increased customers, parking around the tables would slow people down.

G. Frechette: Defer to the experts when it comes to the implementation of it. Add into conditions – have this reviewed by Transportation Engineer, DPW, City Engineer. 2-6 months after opening, evaluate how that's working. Don't have

too many city streets that go right through a parking lot. Also, could you speak to the locations of the bike racks? Not a lot of room between the building and the roadway. Also, could you address the roof drain detail?

B. Akashian: Don't have that detail yet. Where the tenant is making up less than 8% of entire building, I think it's an economic hardship to make a drainage plan – to put that on as a condition is tough. In speaking with Mr. Alves, it seemed it was suggested but not required.

G. Frechette: The Fire Department spoke with the applicant, you needed a fire hydrant.

B. Akashian: That's all set, before the meeting the Fire Department reached out and said we were in compliance.

R. Lockhart: The rideshare parking is not designated on the plan?

B. Akashian: Not shown on the plan but we will designate spots for ride sharing.

R. Lockhart: When will you open?

J. Henderson: Toward the end of the year. There's an inspection period from the state after construction is complete.

R. Lockhart: How will you manage customers and employees during the COVID-19 pandemic?

J. Henderson: As long as there are issues related to COVID-19, we have an established management plan for whatever is allowed by the state, appropriate sequence of bringing customers in. Something we are already practicing and will continue to do as long as it's appropriate.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to APPROVE Site Plan Review under Section 11.4.2(8) and Special Permit approval under Section 12.4 with the following conditions:

- 1) Prior to receiving a Certificate of Occupancy, the applicant shall install two speed tables on Manufacturers Street between the parking lot and the building. The applicant shall be responsible for maintaining these speed tables for five (5) years and must submit a maintenance agreement to DPW documenting this responsibility.
- 2) Prior to receiving a Certificate of Occupancy, the applicant shall install bollards, wheel stops, or other devices approved by the City's Transportation Engineer, within the parking lot to prevent drivers from speeding across the parking spaces to avoid the speed tables.
- 3) To measure the effectiveness of the proposal, the applicant shall work with the City's Transportation Engineer and DPW to monitor the effectiveness of the traffic mitigation after the first three (3) months and six (6) months that the facility is open.
- 4) The applicant shall work with DPD regarding the safe placement of bike racks on the site plan.
- 5) The applicant shall dedicate six (6) parking spaces for rideshare parking.
- 6) The applicant shall receive approval from the Lowell Fire Department.

The motion passed unanimously, (5-0).

III. **New Business**

Public Shade Tree Removal Hearing: 35 Warren Street 01852

In accordance with MGL Ch. 87.5, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of one (1) public shade tree by UTEC at 35 Warren Street. The removal of this tree is needed to construct a new park at this location.

On behalf:

Christine Clancy, DPW Commissioner, City of Lowell

C. Clancy: UTEC is creating a park area. In order to do that, one tree in the way is required for removal. UTEC is proposing to replace that tree. Tree ordinance requires a 2.5-3 inch caliper tree replacement.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette: Even with removal of one tree, I'm surprised at how many trees are in that little slice on Warren Street. I have no objections to that.

Motion:

G. Frechette motioned and C. Cheng seconded the motion to APPROVE the tree removal for 35 Warren Street pursuant to MGL Ch. 87.5. The motion passed unanimously, (5-0).

Public Shade Tree Removal Hearing: 23 Arcand Drive 01852

In accordance with MGL Ch. 87.5, the Lowell Planning Board will hold a public hearing to hear all interested persons about the proposed removal of two (2) public shade trees located at Library Park (23 Arcand Drive). This work is necessary for the installation of a 9/11 monument.

On behalf:

Christine Clancy, DPW Commissioner

C. Clancy: This is Liberty Park, right across from City Hall, adjacent to Cobblestone Restaurant and the Masonic Temple. There are four existing trees. In coordination with the Monument Committee, found a location for a 9/11 monument. Looked in JFK Plaza, tried to stay in the downtown area. We are proposing to remove two center trees to make it more of a usable space, and then put in two flowering trees.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette: I think removing the trees would enhance the park. It looked like the back section of Cobblestones. I think it will heighten the awareness of that space. Flowering trees will add to the site and I think they picked an appropriate site for a 9/11 monument. Certainly in favor of what's being proposed.

C. Cheng: Question about treatment on the fence. Would it be removed?

C. Clancy: Not sure. Part of the fence would have to come out for the walkway, but would keep the rest intact.

Motion:

T. Linnehan motioned and R. Lockhart seconded the motion to APPROVE the tree removal for 23 Arcand Drive pursuant to MGL 87.5. The motion passed unanimously, (5-0).

Site Plan Review: 170 Lincoln Street 01852

Columbia Care, Inc. is seeking Site Plan Review approval to expand an existing marijuana cultivation facility at 170 Lincoln St., 156 Lincoln St., 17.1 Tanner St., and 159 Tanner St. The facility is in the General Industrial (GI) zoning district and the expansion requires Site Plan Review approval under Section 11.4.2 and for any other relief required of the Lowell Zoning Ordinance.

On behalf:

Kyle Burchard, Applicant's Representative

K. Burchard: The reason this parcel has four addresses is because there happens to be four parcels in common ownership. The structure was converted into a marijuana cultivation building. Small asphalt area, parking. Rolling gate with a small keypad, kiosk, for accessing the gate. The proposed condition of the project, proposal itself, is to construct a 6,267 sq. ft. expansion. In addition to that, include drainage improvements. Restoration of pervious areas with islands. That along with architectural changes to building. Currently, the site has two discharge pipes that leave the project. Would be allowing clean roof water to pass through so that it does not resuspend solids. The existing site had a total of 30 parking spaces, and with this plan there's a reconfiguration with new striping and islands. The total count is 39, we are required to have 38. Two are handicapped. From a security standpoint, will be using a simple chain link fence, 6 feet tall. Posts driven so no excavation. River front, 25 feet from stream bank, is itself a resource area. Conservation Commission said to limit disturbance for re-greening, there is no need to install a whole line of sediment control. Will just be doing localized silt fences at areas of disturbance.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

T. Linnehan: The place reeks like pot. What are you doing for odor control? The odor was so strong. That's my major concern. Whatever is there now, it's not working.

K. Burchard: Duly noted, thank you. There were several comments provided to us last week. We started to go through them. Some were just statements, some were just comments. Did not receive DEP number in time for Conservation Commission meeting. Adding a bike rack per recommendation from DPD. As far as cladding material, toward the back, there were elevations of the building and some additional material. Insulated wall metal panel. Reads curb cut comment. I think it's possible to do that, we would comply with that. Regarding constructing or contributing funds to build a sidewalk – there was some discussion about what that would entail, if that could be handled by some type of donation that would be for the sidewalk. Would be a sidewalk to nowhere, would maybe make sense somewhere else in the City. Reads bike storage comment – not drawn on this plan, but right here [next to handicapped spaces] would be where we would be proposing to place bike racks. Reads comment regarding public art. Pulls up photo of wall. Recently visiting the site, I don't see any of those trees currently there. This is the location where it was requested to place a sidewalk. Reads comment about square footage of building. Reads comment from stormwater. We are compliant with the regulations. Reads odor control comment. Don't have information on odor control tonight but will make sure it is addressed. Believe that waste management is compliant with Massachusetts regulations. Have substantially improved stormwater on the site.

R. Lockhart: From a site plan review point, my biggest concern is the odor control. Have had some complaints up there. Board needs some assurance that that can be corrected. Not working properly now. Before I can vote, I need assurance that that is under control. The addition would aggravate that problem.

G. Frechette: I am not prepared to vote this evening. I would like to see a finished version of the façade. That's a large mass along that road. I personally in that location am not a fan of mural on the building. I don't think it is appropriate there. In the downtown public art adds vibrancy, but I don't think it's appropriate here. I think that the finished look of that is going to be important. Break that up so that it's not such a large mass. I am in favor of the sidewalks. We improve one property at a time. We require them on much smaller pieces of land. Would certainly help in the development of that area. Certainly would want to see bike racks, fencing on the plan. I think you need to work with the Stormwater review team. Needs to be meeting of the minds as to what is appropriate. Wouldn't be opposed to having a third party engineer look at it. If you can't come to agreement with city's stormwater team, have a third party look at it too. If there's some question as to what's best suited for the site, can seek external advice at applicant's expense. I visited the site, with my air conditioning on, and I could smell it. I know people who live on Canada Street, and it has been an issue for some time now. When residents have company over, they comment on the odor. This is a learning lesson regarding having odor control as a condition. Quite frankly, I'd like to know what technology is in that building, and I will be sorely disappointed if this is in the buildings we are approving - if this is the state of the art technology to mitigate odor. I want to know what's currently in place to mitigate the odor. We've put these in quite a few locations. Teaching moment for all of us. False sense of security. If state guidelines allow this, I'm concerned. Close to many homes.

C. Cheng: I share the same concerns with the other members with regards to odor control. We have approved quite a few of these. We need to find out whether the track record we have is working or not. My vote would be dependent on odor control as well. Staff comments mentioned a blue roof being a potential condition – seems the applicant has difficulty with basins. Blue roof might be another viable solution. Adding an addition to the building, roof runoff will add to the amount. In regards to Tanner Street, as you noted, the trees have been chopped and are no longer there. I assume this is for clear sight lines for the security cameras. I actually agree with staff about adding a mural, but I am okay with sidewalks and landscaping, at minimum, since we have only tree stumps along the road.

S. Gallivan: I wanted to echo Caleb and Jerry's comments that although a mural may not be appropriate, I appreciate the walls being updated. Breaking up the façade along street would be an improvement. A sidewalk, trees or selective plantings that work with security, would be an improvement. Seems mechanical replacement is part of the project. If state standards are not being met, and given the proximity to residences, you may need to go beyond state requirements.

K. Burchard: Blue roof – do you mean green roof?

C. Cheng: Blue roofs are designed to collect runoff. Green roofs absorb sunlight but are not designed for stormwater. Blue roof designed to capture or retain the runoff. Not an expert on that but have seen it come up on staff comments.

Motion:

G. Frechette motioned and R. Lockhart seconded the motion to continue the petition to the July 20, 2020 Planning Board meeting. The motion passed unanimously, (5-0).

IV. Other Business

Special Permit Extension Request: 256 Trotting Park Road 01854

The applicant received Special Permit approval on 7/16/2018 to construct a new single-family home at 256 Trotting Park Road and is seeking an extension to that approval. The parcel is located in the Suburban Neighborhood Single-Family (SSF) zoning district and requires a Special Permit under Section 5.1.10 for minimum lot width and for any other relief required under the Lowell Zoning Ordinance.

On behalf:

Lenny DeSousa, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

Michael Weatherwax, 6131 Avalon Drive, Wilmington MA

M. Weatherwax: Current permit has housing structure built on a portion of 260 Trotting Park Road. 90% of it will be on 260 Trotting Park Road's land. The deed for 260 Trotting Park Road is not in his name anymore. I don't see how the permit can be approved.

Discussion:

L. DeSousa: Currently in litigation for the piece of land. Will have the hearing in August.

G. Frechette: Approved under the scenario that existed prior. Still subject to what was reflected at time of approval. Applicant has to go through the process. Doesn't extinguish requirements of prior approval. It still has to be what was originally approved at the time it was presented in front of the Planning Board.

T. Linnehan: Just giving him extra time. If things get changed, they can come back with amendments to the site plan.

Motion:

T. Linnehan motioned and G. Frechette seconded the motion to extend the Special Permit approval for one (1) year. The motion passed unanimously, (5-0).

V. Notices

VI. Further Comments from Planning Board Members

R. Lockhart: The Historic Board did not meet. It has been very quiet. The next meeting is in July, but the date is yet to be set.

S. Gallivan: Asked if DPD could develop a guide on what a significant tree is. Some trees may require more of a replacement plan than 1-1 replacement. Asked that DPD develop some guidance so that the Planning Board can be more informed in their tree hearings moving forward. G. Frechette, R. Lockhart, and T. Linnehan agreed.

VII. Adjournment

G. Frechette motioned and R. Lockhart seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0). The time was 10:04 PM.