



# City of Lowell - Planning Board

---

## Planning Board Agenda

Monday, June 17, 2019 6:30 p.m.

City Council Chambers, 2<sup>nd</sup> 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  
Richard Lockhart, Member  
Richard Snetsky, Member  
Caleb Cheng, Associate Member

### Members Absent

Gerard Frechette, Member  
Robert Malavich, 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 6/3/2019

R. Snetsky made a motion to approve the minutes from 6/3/2019. R. Lockhart seconded the motion with unanimous approval by the Board (4-0).

### II. Continued Business

#### **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.

#### Speaking on behalf of the project:

M. Hamor, LandPlex Engineering, 10 George Street, Lowell, MA

M. Hamor: We have gone through and addressed on a plan change yet to be submitted to DPD all of the comments provided in the municipal comments memo. We still do not have the architectural elevations. We thought we would have them last week, we are still pressing to get those. We haven't received

those and there was a comment related to some of the asphalt and an electrical easement. It was requested by DPD that we get something in writing from the electrical company related to that work proposed in the easement. When we read the easement, it shows we can do what we are proposing, but Christine McCall has given me a contact for the electrical company and we will be contacting them to get some correspondence from them. We are requesting a continuance to the meeting in July on the 15<sup>th</sup>.

T. Linnehan: Did you get the comments that we received most recently? One says you might need a variance?

M. Hamor: I saw that, it was to the existing setback to the existing building. If need that, we would go before the Zoning Board of Appeals. I believe there is also a question on the lot width. It is my understanding that the lot needs to meet the lot width requirement of the district. It was not to be applied to this leg that goes down to the river. The lot width and the lot depth, would comply with that. If we do need a variance, we could just chop off the end of the building. We will go before the Zoning Board if it's determined by the Commissioner that we need to. We feel we are simply extending an 8" to a 2" water line down the hydrant in the front. We labeled 2 shade trees that we will plant in front of the property. The traffic engineering comments were minor. They said it was a good idea to have an entrance and a separate egress. The wastewater said the drainage was adequate. Like we did on Highland Street, it was a narrow access, we sprinklered the buildings in the rear. We will do that to the two units in the rear. There was a question related to a stream that is down the street. We have a plan that shows we are more than 100 feet away from the stream also.

T. Linnehan: Yes I saw that the project may require Conservation approval?

M. Hamor: We will provide an updated plan that shows the wetlands are maybe 145' away from the development. I spoke to Ms. McCall and I have a plan that shows we are greater than 100' away. I don't see any comments with real substance other than this lot width requirement that could pose a problem if it was deemed it needed a Special Permit from the Planning Board. I contend the intention of the lot width was to make sure that the lot width requirement was for what a conforming lot would be, not little legs of a parcel. It's been known that the required area needs to be compliant, anything additional could have some noncompliances to it. We are going to wait to get some correspondence on that. I am really hoping that I have some architectural drawings so that I can show how great these units are going to look.

R. Lockhart: There are some fire department issues, aren't there?

M. Hamor: The fire dept. comments were about creating a yard hydrant, which I'll do. We have sprinklered the rear building so we feel as though these are minor comments that can be overcome.

T. Linnehan: There is a request to continue the meeting to July 15<sup>th</sup>.

Motion:

R. Lockhart: I'll make a motion to continue the hearing to July 15<sup>th</sup>.

C. Cheng: I will second that motion. The motion approved unanimously by the Board, (4-0).

### III. New Business

#### **Site Plan Review: 153 Westford Street 01851**

An application was submitted by Westgate Development, Inc. seeking Special Permit approval to convert an existing building at 153 Westford Street into four dwelling units. The applicant is seeking to reinstate previous approvals from the Board that elapsed before work commenced. The property is in the Traditional Neighborhood Multi-Family (TMF) zoning district and requires a Special Permit under Article 12: Table of Uses and for any other relief required of the Lowell Zoning Ordinance.

#### Speaking on behalf of the project:

Thanh Pham, 540 Lowell St. Andover, MA

T. Pham: I bought the property and was told it was a 4 family. I tried to apply for a building permit and I was told the Special Permit had lapsed. I hope to get approval and reinstate the special permit so that I can make use of the property as soon as possible and make the neighborhood look nicer.

T. Linnehan: When a Special Permit is granted, it is good for two years. If the person hadn't started any work on the project, it lapses. The person could have asked for an extension, but that never happened. In this case, they sold the property to you and now it's been more than 2 years so now you have to reinstate the special permit. A couple things have changed since the Special Permit was approved. The staff comment memo indicates that there have been some code changes between now and then.

#### Speaking in favor:

None

#### Speak in opposition:

None

T. Linnehan: Since you need a Special Permit you will need to have all 4 voting members. We are absent a Board member, so you are entitled to have 5 members present. You can wait until we have five members, it would be up to you. If you prefer to go forward this evening, we can go forward.

T. Pham: I'd like to move forward tonight.

T. Linnehan: Okay, thank you. I will turn it over to the Board for comments.

R. Lockhart: Based on the site plan, you are showing stacked parking spaces?

T. Pham: We plan to demolish the garage and we will be able to provide for 8 spaces. Once we do that, we will have 8 spaces and landscaping around the parking.

R. Lockhart: Do you understand that stacked parking spaces is not permissible?

T. Pham: I don't think we will need to have that because the length is enough.

R. Lockhart: Okay, as long as that's shown on a plan.

R. Snetsky: I'm glad you have made the decision to take down the garage. I am pleased to see that. I want to make that you are aware and have seen the comments from staff which refer to the comments from both the building and fire departments in terms of the codes that you will be required to meet.

T. Pham: We will put in the sprinkler system for the entire building. I believe it is included in the last two pages of the plan. It is a 4 family we understand that is something that we will have to do.

T. Linnehan: That's for a good safety reason for you or anyone else living there. I also saw there is a fire hydrant right in the front.

R. Snetsky: I wanted to make sure you were aware and are in agreement with complying with those requirements. I would propose that we make that a condition of your permit.

C. Cheng: Chairman, the plan submitted is still showing the stacked parking. I understand the intent is different now and the new plan will be for the garage to be removed. The new parking will be according to the illustration, perpendicular to the driveway. Is it a problem if we approve the project according to the narrative and not with a reflective site plan?

Staff: You can approve the project even if there are proposed changes to the site plan as long as those are reflected as specific conditions of the approval.

C. Cheng: The staff noted that the work on the fire hydrant has not been completed and is missing granite curb. Currently there is an asphalt sidewalk patch that needs to be replaced with the proper sidewalk requirements.

T. Pham: Yes I read that too. Once we pull the permit, that will be addressed because otherwise we won't get an occupancy permit. That will be addressed when we start doing the sprinkler system.

C. Cheng: Also, the same for fencing. The previous Decision when this was last approved mentioned having a condition of fencing and a landscaping plan to be submitted to DPD for approval. Since it's a new permit, I wonder if that should be a condition as well.

T. Pham: I am okay with that because I read the decision and I expect to comply with all of the requests. I will demolish the garage, make more parking spaces, I think it will be 8 or more and then the landscape work with the fencing.

C. Cheng: I appreciate your willingness to comply with the previous requests.

T. Linnehan: I like the fact that you're getting rid of the garage to get the extra parking. I think it really enhances the site. We struggled with this the last time we met, but since you're just before us for a Special Permit, we left those questions alone and left it for the Zoning Board of Appeals. The issue before us is the special permit but I think taking down the garage really opens up the site and gets in more parking.

T. Pham: After the garage is taken down, this property will have the most parking compared to other lots in the neighborhood.

T. Linnehan: You also really lose a space on the street in the front with the fire hydrant. Besides that, I don't have issue as long as you have the sprinkler system, the landscape plan, demolish the garage, and also fixing the sidewalk as requested.

C. Cheng: I see a piece of the curb on the lawn next to the hydrant, I wonder if that's originally a piece or not. You may have taken over that when you purchased the property.

T. Pham: When we do the sprinkler system, we will address all of that.

Motion:

R. Snetsky made a motion to APPROVE the Special Permit for the use with the following conditions:

1. The original condition of a landscape plan with fencing be submitted to DPD for approval prior to issuance of a building permit.
2. The garage will be demolished and a formal site plan be submitted to DPD showing at least 8 spaces per the provided rendering prior to application of a building permit.
3. The conditions from the Fire and Building Departments to comply with current code requirements shall be met including installing a sprinkler system
4. The Engineering Department comments regarding completion of the sidewalk and curb shall be met.

R. Lockhart seconded the motion with unanimous approval by the Board, (4-0).

**IV. Other Business**

R. Lockhart: The Historic Board is going before a number of changes. We had an election last week. We have a new Chairman, his name is Jeffrey Harris. He works at DCR with the state of Massachusetts. Jeff has been on the Board a number of years and had served as Vice Chair for a number of years. We have a new Vice Chair, Kerry Jenness. She is an attorney and represents the Greater Lowell Bar Association. The rest of the board remains the same.

Each year we convene in the Downtown Lowell Historic District and do a walking tour Downtown to teach new people on the Board what minimum maintenance standards means. Minimum maintenance standards exist for the improvements and maintenance of downtown buildings like painting and signage. It is up to the Historic Board to administer those standards to make sure they are met. We meet on a monthly basis and we view those properties that are negligent and take appropriate action. It's an important part of the Board agenda that I don't think a lot of people realize. Steve Stowell does a great job administering all of that besides the regular development issues we come across. Our next meeting is July 8th. We are going to review another proposal from National Grid on the corner of Rock St. and School. They want to demolish it but we want them to improve the site. They're really trying to do a good job and be a good neighbor and provide us with some meaningful renditions.

V. Notices

VI. Further Comments from Planning Board Members

VII. Adjournment

R. Lockhart made a motion to adjourn the meeting. C. Cheng seconded the motion with unanimous approval by the Board (4-0).