



7:00 PM – Call Meeting to Order

Pledge of Allegiance

PRESENT : Scott McKiel, Chairman; George Nangle, Vice Chairman; Douglas Dooley; Charles Kanavos; Tim Savage, Alternate; Michael Pestana, Alternate; Alison Manugian, Community Development Director; Mark Hamel, Town Engineer and Lisa Wagner, Recording Secretary

ABSENT: Michael Buxton

Minutes

April 12, 2023 – Mr. Dooley motioned to approve. Mr. Nangle seconded. Motion passed unanimously.

Appointments

Salem Road & Broadway Road/Brox Farm, LLC/ANR Plan

Attorney Michael Fadden appeared before the Board on behalf of the applicant in seeking approval of an ANR Plan, which has frontage on Salem Road and Broadway Road. Lot 1 contains 40+ acres of land with 830.62-feet of frontage. Lot 2 will contain 15+ acres of land and 678.40-feet of frontage. Attorney Fadden noted the parcels are in the R1 residential zone and meet the requirements of the Zoning Bylaws. The purpose of the plan is to expand the footprint of the farmstand.

Mr. Dooley motioned to approve the plan as presented. Mr. Kanavos seconded. Motion passed unanimously.

Arlington Street & Bridge Street/Twin Coast Properties, LLC/ANR Plan

Chairman McKiel asked if anyone was in attendance to present this plan. Ms. Manugian stated there is not, however; the plan is straightforward and the intent is to combine the 2 parcels shown for a future redevelopment project. The Arlington Street property consists of the Wendy's site and the adjacent lot at 1327 Bridge Street is the large white house (known as the Coburn Estate), which will be razed.

Mr. Nangle motioned to approve. Mr. Dooley seconded. Motion passed unanimously.

251 Sladen Street/Spiro Skinsacos/Special Permit with Site Plan Review for a Multi-Family Development/Public Hearing (Con't):

Chairman McKiel stated Attorney John Geary submitted a letter on behalf of his client and requested to continue this hearing to the May 24th meeting.

Mr. Kanavos motioned to continue this hearing to the May 24th meeting at 7:05 p.m. Mr. Dooley seconded. Motioned passed unanimously.

970 Broadway Road/Boghos Properties/Special Permit with Site Plan Review to Construct a 143,600 square foot Building for Industrial or Business Use/Public Hearing (Con't):

Chairman McKiel indicated the applicant submitted a request to continue this hearing to the May 24th meeting, as they are in the process of having a traffic study completed.

Mr. Kanavos motioned to continue this hearing to the May 24th meeting at 7:15 p.m. Mr. Dooley seconded. Motion passed unanimously.

Town Meeting Articles/Public Hearings

12 Arlington Avenue/Voter Petition/Amend Zoning Bylaw to Include Dracut Center Overlay

Chairman McKiel opened the hearing and read aloud the legal notice, which was advertised in the Lowell Sun on Tuesday, April 11, 2023 and again on Tuesday, April 18, 2023.

Arthur Mailloux of 41 Briar Avenue, Lowell appeared before the Board along with his sisters, who are the owners of this property and the adjacent property at 69 Arlington Street. The front lot on Arlington Street was included in the Dracut Center Overlay District, but the back lot was not and it's part of the same deed, which should have been included. Ms. Manugian noted the petitioner is seeking a recommendation for Town Meeting.

Chairman McKiel asked if anyone in attendance had a question or comment. Nobody came forward to speak for or against this matter.

Mr. Nangle motioned to close the public hearing. Mr. Dooley seconded. Motion passed unanimously. Mr. Nangle motioned to recommend approval of amending the Zoning Bylaws to include 12 Arlington Avenue in the Dracut Center Overlay District. Mr. Dooley seconded. Motion passed unanimously.

Amendments to the Zoning Bylaws

Chairman McKiel opened the hearing and read aloud the legal notice, which was advertised in the Lowell Sun on Wednesday, April 12, 2023 and again on Wednesday, April 19, 2023.

As a point of information, Ms. Manugian stated the Zoning Bylaw Review Committee has worked extensively on these amendments, which were sent to the Selectmen to then be forwarded to the Planning Board for public hearing and recommendation for the Selectmen. The Selectmen will hold a hearing to review the warrant for Town Meeting and then the articles will be acted on at the June Town Meeting (similar to the recodification process done at the November Town Meeting). Ms. Manugian mentioned that any proposed zoning change has no impact on the current property uses that are under way, whether it is residential or business. Chairman McKiel asked if a business would be grandfathered in if it changed hands. Ms. Manugian confirmed that as correct and moved forward with the amendments, as follows:

1. Section 3 District Regulations (Article 23): To consolidate the residential and business zoning districts with corresponding amendments to the Zoning Map. The R2 district around the country club is being eliminated; Business 1,2 & 3 will be combined into 1 district; the Table of Use Regulations will be changed to be more standard and in line with other communities. Footnote #9 refers to telecomm installation in a steeple and will now include other structures of sufficient height.

Chairman McKiel mentioned the changes clarify the uses for property owners, as to what is allowed and not allowed. Ms. Manugian added it will be more straightforward and direct for property owners, developers and staff.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

2. Section 4 Intensity of Use (Dimensional) Requirements (Article 24): To make corresponding amendments consistent with the district consolidations, add a Lot Shape requirement to replace the Lot Perimeter provision, clarify language related to Multiple Principal Structures, Buffering, Screening/Landscaping, Grading, and a definition for Impervious Lot Coverage;

Ms. Manugian reviewed the proposed changes and updates to the dimensional requirements, which include reducing the R2 zone to 22,000 square feet and limiting the amount of impervious area on a lot. Chairman McKiel asked if anyone in attendance had a question or comment.

John Crowley of 68 Flower Lane recognized the efforts of all those involved and inquired about the learning sessions. Ms. Manugian indicated an information session is scheduled for next Thursday. Mr. Crowley questioned the details and definitions of the amendments, which have not been spelled out. He suggested further consideration of the content and to table these until the November Town Meeting.

Chairman McKiel noted the document has been posted on the website and anyone could offer input on the amendments. Mr. Kanavos asked if there was any feedback. Ms. Manugian indicated there were minimal comments, but any issues were brought back to the subcommittee.

Ellis Neofotistos of 1706 Lakeview Avenue asked if this zoning will be changed again for the MBTA zoning or is it incorporated. Ms. Manugian indicated it does not and it will be handled after this more standard rewrite process. The guidelines have been established, but there are further determinations to be made.

Mr. Nangle motioned to recommend approval. Mr. Kanavos seconded. Motion passed unanimously.

Amendments to Zoning Map (The following article was taken out of order.)

5. Bancroft/Oliver/Stevens/Sladen/Cass by amending the Zoning Map district designation of the parcels known as (Article 34):

10, 26, 36, 54, 64, 72, 77, 80, 87 Bancroft Street; 11, 12, 33 Oliver Drive; 10, 20, 28 Stevens Street; 85 Hamblett Avenue; 272 Sladen Street; 100 Cass Avenue with a zoning of R1 to the R2 zoning district.

Arlene McGlasson of 57 Bancroft Street questioned the information on the website and rezoning of properties on the opposite side of her street along with Oliver, Stevens and Sladen. Ms. Manugian stated information was provided in the tax bills and this change will make more of the lots conforming, as well as standardizing the neighborhood. Chairman McKiel noted this would create a more uniform neighborhood and under the same zoning, which would eliminate some of the need for variances. Ms. McGlasson is concerned with a developer putting in a multi-family residence or apartment building in the single-family neighborhood. Chairman McKiel indicated it would not be permitted because of the lot size. Mr. Crowley added multi-family dwellings in R2 zoning require a Planning Board special permit.

Casey McGlasson of 57 Bancroft Street did not feel the zoning was necessary. Mr. Nangle stated the lots are non-conforming and the intent is to make it easier for homeowners to apply for permits. Ms. McGlasson asked why this street was chosen. Mr. Nangle indicated the R3 zone is being eliminated. Chairman McKiel mentioned there was some cluster zoning in this area.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

Amendments to the Zoning Bylaws

3. Section 4. Split Lot Zoning (Article #25) – Amend the zoning to allow lots with split zoning designations to seek a special permit to extend the provisions of one district to part or all of the lot;

Ms. Manugian stated this change allows a property owner with split lot zoning to go to the Planning Board in seeking a permit for one zone or the other rather than the current Bylaws where a change to zoning needs to be done at Town Meeting. Mr. Savage asked if there are many of these lots. Ms. Manugian noted it does come up on a regular basis.

Wendy Sullivan of 112 Derby Street asked if the zoning could just be changed to make the lot entirely one zone. Mr. Hamel stated the depth of the parcels vary along the roadway and each lot is different.

Mr. Nangle motioned to recommend approval. Mr. Dooley seconded. Motion passed unanimously.

4. Solar Facilities (Article #26) To create a new Section 8.7 Large Scale Ground Mounted Solar Voltaic Facilities and corresponding amendments to Sections 2.4 Site Plan Review, Section 3 District Regulations, and Section 9. Definitions to establish provisions for the regulation solar energy facilities;

Ms. Manugian stated there are no Bylaws covering this area, therefore; making it prohibited and the state does not allow that. This amendment will cover the particulars associated with solar facilities. Mr. Kanavos mentioned many homes have solar panels and there are several ground panels around town. Ms. Manugian noted it's at the discretion of the Building Inspector and this will allow it to be regulated more easily, as well as aligning it with the state.

Pam O'Reilly of 50 Regency Drive asked why a large facility would be allowed in the residential zone. Ms. Manugian indicated there are several large agricultural parcels in the residential zone and this would provide a revenue source for the farmers in town.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

5. Battery Energy Storage (BESS) (Article #27) To create a new Section 8.8 Battery Energy Storage Systems (BESS) and corresponding amendment to Section 3.3 Table of Principal Uses to establish provisions for the regulation of Battery Energy Storage Systems;

Ms. Manugian stated there are no current regulations, but these large units are becoming more common and this new Bylaw will cover the requirements of such a system. It will also require a Planning Board special permit.

Mr. Nangle motioned to recommend approval. Mr. Kanavos seconded. Motion passed unanimously.

6. Flood Plain Zoning (Article #28) – To amend Section 5.1 Floodplain Overlay District to incorporate provisions established by the Federal Emergency Management Administration (FEMA) and the Massachusetts Department of Conservation Services (DCR) into the local zoning regulations to maintain eligibility for flood prone properties with the Flood Insurance Program;

Ms. Manugian stated the language and rules are being replaced to comply with the state and federal requirements for the floodplain district.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

7. Section 3.3 Table of Permitted Uses (Article #29) - Amend the Table of Permitted Uses to comply with state requirements, remove internal inconsistencies, eliminate obsolete provisions, amend special permit granting authority designations, and update the permitting status designations as noted.

Ms. Manugian indicated the table of uses will be updated to reflect state requirements or remove no longer utilized operations and to designate the Planning Board to handle the majority of special permits.

Mr. Kanavos motioned to recommend approval. Mr. Dooley seconded. Motion passed unanimously.

Amendments to Zoning Map

1. Orchard/Mill Streets/Lakeview Avenue (Article #30) by amending the district designations of the parcels known as;

A. 1960 & 1968 Lakeview Ave which are current split zoned B1 and I1 to proposed B1

B. 20,26,34, 46 Orchard Street from I1 to R2

Ms. Manugian stated this concerns a split zoned property, which makes it entirely business and taking residential properties on Orchard Street out of the industrial zone and into residential.

Mr. Nangle motioned to recommend approval. Mr. Dooley seconded. Motion passed unanimously.

2. 133 Phineas Street and 148 & 161 Flower Lane (Article #31) by amending the Zoning Map district with a zoning designation of R1 to the R2 district.

Ms. Manugian stated the properties on Flower Lane are an existing condo complex and the Phineas Street parcel was recently approved for a multi-family development, which are more in line with the R2 district.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

3. Parker/Hampson/Old Meadow (Article # 32) by amending the Zoning Map by amending the district designation of the parcels at 94 Hampson Street with a zoning designation of R3 to the B1 district.

Ms. Manugian stated this is a busy intersection with 3 corners being zoned business and it is logical to have the remaining corner be zoned for business.

Mr. Nangle motioned to recommend approval. Mr. Kanavos seconded. Motion passed unanimously.

4. Navy Yard East End Pleasant Street (Article #33) by amending the Zoning Map by amending the district designation of the parcel known as 130, 140, 146, 148, 150 and 152 Pleasant Street with a zoning designation of R2 to the B1 district.

Ms. Manugian stated this proposed zoning change is to match the business zone across the street and considers the properties from the former Fire Department to the vacant parking lot at the corner of Sladen Street. Mr. Neofotistos mentioned the former tux shop is shown as a different zone and asked if it is changing. Ms. Manugian agreed it is incorrect and she will make that correction.

Mr. Nangle motioned to recommend approval with the correction, as discussed. Mr. Dooley seconded. Motion passed unanimously.

6. 204 Pleasant Street (Article #35) by amending the Zoning Map district designation of the parcel known as 204 Pleasant Street with a zoning designation of B1 to the R2 zoning district.

Ms. Manugian noted this is the Coventry Gardens apartment complex being changed to residential.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

10. Merrimack Avenue Corridor (Article #36) to amend the zoning designation of the Merrimack Avenue Corridor by realigning the B1 District boundaries on the northerly side of Merrimack Avenue with the adjoining districts to better reflect property lines and site topography.

Ms. Manugian stated this amendment concerns a number of parcels along Merrimack Avenue, which are primarily business and this amendment will provide more conformity with the zone.

Mr. Nangle motioned to recommend approval. Mr. Dooley seconded. Motion passed unanimously.

7. Merrimack Avenue Industrial (Article #37) by amending the zoning designation of the properties at 1375, 1401, 1412, 1450, 1470, 1471, 1476, 1480, 1601 Methuen Street; 50 Jackson Street; 1226, 1228, 1256, 1258, 1274, 1282 and 1286 Merrimack Avenue; Poppy Lane Rear; Rear Methuen Street and Methuen Street with a current designation of I-1 to the I-2 zoning district.

Ms. Manugian noted this amendment concerns a number of properties owned by Brox Industries, who are aware of this change, which moves all of these from the I-1 industrial zone, with minimal impacts to the I-2, which involves more impactful industrial operations, such as noise and vibrations. It does not change any of their current uses.

Mr. Kanavos motioned to recommend approval. Mr. Nangle seconded. Motion passed unanimously.

8. To amend the Zoning Map (Article #38) by amending the zoning district designation for the following areas:

A. The parcels west of Beaver Brook north of Lakeview Avenue and Tyngsboro Road with a zoning designation of R1.

B. The parcels west of Mammoth and Gumpus Roads south of Lakeview Ave and Tyngsboro Road with a zoning designation of R1 to the R2 zoning district.

Ms. Manugian stated these areas are currently in the R1 zone and the amendment proposes to change these to R2, which will make more parcels conforming and any development will be similar to the density in the existing neighborhoods.

Mr. Nangle motioned to recommend approval. Mr. Dooley seconded. Motion passed unanimously.

9. To amend the Zoning Map (Article #39) by amending the district designation of the parcels currently zoned R2 with the area bounded by properties adjacent to Methuen Street, properties adjacent to Nassau Street, properties adjacent to Stuart Avenue and properties adjacent to Belleview Avenue to the R2 zoning district.

Ms. Manugian stated these various parcels along Merrimack Avenue are R1 and it is more logical for these to be R2, which are comparable to the surrounding properties.

Mr. Kanavos motioned to recommend approval. Mr. Dooley seconded. Motion passed unanimously.

Mr. Kanavos motioned to close the public hearing. Mr. Dooley seconded. Motion passed unanimously.

Recommendation for the Acceptance of the Following Streets (Article #44)

1. Winter Hill Drive
2. Kevin Road
3. Tina Road
4. Scott Street
5. Kings Field Road

Mr. Hamel stated these streets were brought up to completion as part of the sewer program, which included stone bounds and as built plans.

Mr. Kanavos motioned to recommend acceptance of these five (5) streets. Mr. Dooley seconded. Motion passed unanimously.

New Business

197 Merrimack Avenue/197 Merrimack Ave LLC/Change of Ownership on Special Permit

Chairman McKiel stated Attorney George Malonis submitted a request to change the name and ownership of the existing Special Permit #PB21-02. All conditions and requirements of the permit will be complied with.

Summer Schedule

Chairman McKiel mentioned the Board will be discussing the summer schedule at the next meeting.

Adjournment

Mr. Dooley motioned to adjourn at 8:55 p.m. Mr. Nangle seconded. Motion passed unanimously.