



City of Lowell - Planning Board

Planning Board Meeting Minutes

Monday, August 17, 2026, 6:30 p.m.
City Council Chamber, 2nd Floor, City Hall
City of Lowell, 375 Merrimack Street, Lowell, MA
Remote Participation Optional via Zoom

Note: These minutes are not completed verbatim. For a recording of the meeting, visit www.ltc.org

Members Present

Chairman Linnehan
Vice Chair Frechette
Member Walker
Member Tenczar
Associate Member Sar

Members Absent

Member Cheng
Associate Member Cardoso Silva

Others Present

Peter Cutrumbes, Associate Planner

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

I. Minutes for Approval

6/15/2026 and 7/20/2026 Meeting Minutes

G. Frechette motioned to approve the amended minutes for the 6/15/2026 meeting. Seconded by L. Walker. The vote was unanimous (5-0).

G. Frechette asked to amend the minutes under the First Street Blvd tree hearing. It says that C. Cheng referenced the St. Louis Park tree planting as a good example, but it should read Clemente Park. G. Frechette motioned to approve as amended. T. Sar seconded. The vote was unanimous (5-0).

II. Continued Business

III. New Business

Site Plan Review and Special Permit – 131 Davidson Street, 01852

22 Hurd St, LLC has applied to the Lowell Planning Board seeking Site Plan Review and Special Permit approval to convert an existing four-story commercial building to forty-three (43) residential units at 131 Davidson Street (129 Howe Street). The subject property is located in the Downtown Mixed-Use (DMU) zoning district. The proposal requires Site Plan Review per Section 11.4.2(2) to construct a development with more than three (3) dwelling units and Special Permit per Article 12 for the use.

On Behalf:

Matt Hamor, the applicant's engineer and representative. They are asking for Special Permit and Site Plan review approval. The existing building has been there for a long time as a commercial building for offices. The plan is to convert the building into residential units. There will be a total of 43 units. It will be a mix of studios, one bedroom, and two-bedroom apartments. Apartments range from 400-700 square feet. The building will stay and be repurposed. The existing parking area accommodates 11 parking spaces. The project is adjacent to a 160-spot parking area, but parking is not required in the because of the site's proximity to parking garages. It is also very close to the Lower Locks parking garage. That garage has 963 spaces. It is also a short walk to the John Street parking garage. There are nearby amenities, such as the Riverwalk, which provides open space. There are also neighborhood businesses in the area. It is also a short walk to downtown. The lot area is essentially entirely impervious. The narrative for the project demonstrates how the project meets the Special Permit criteria and how it applies to the City's comprehensive plan *Lowell Forward*. It is very common for office buildings to no longer be able to sustain themselves as office buildings in the modern economy. They received staff comments. They are amenable to conditioning the approval that was put forth by the Engineering Department to ensure the existing sewer servicing the building will be monitored by camera and that the sewer connection is suitable for the proposed change in use. There have been no issues with that sewer line previously. They will also be replacing the sidewalk alongside Howe Street and Davidson Street in front of the project to meet the City's requirements. They are also ensuring the water main will be sufficient and will meet all Lowell Fire Department requirements. The Economic Development staff was supportive of the project. It will support housing production and downtown vitality.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Frechette asked M. Hamor to go over the lot and building footprints. M. Hamor showed them on the plan. G. Frechette noted that there is not much landscaping on the lot. He would like to see some landscaping to soften the feel of the lot. M. Hamor showed the elevation, which does not have landscaping. He said there is a lot of open space close by. Noted that the building being so close to the sidewalk may make landscaping difficult. G. Frechette said that he would like to see more landscaping to

make it look more residential. M. Hamor said they could use plantings in the foyer that can be seen from the street. G. Frechette said he was looking for something more substantial. M. Hamor said it can just be difficult to change hardscape without affecting the sidewalk. G. Frechette asked about lighting. You will have to walk down Howe Street to access the building. M. Hamor said they will be utilizing no lighting except that on the street. There won't be parking in the lot area, but they are amenable to working with DPD to create a suitable lighting plan.

D. Tenczar says he supports the reuse but is concerned about parking. He understands there is parking all around the building. However, much of it is used by local businesses and the Lowell Memorial Auditorium. He agrees with G. Frechette about lighting. It is needed for residents and visitors to be safe. He would like to see lighting on all four sides.

L. Walker expressed support for the mix of the types of units and the adaptive reuse of the building. She asked about any landscaping or screening for the parking area. M. Hamor said they had not proposed anything. He said they could use a solid fence if that works. L. Walker said anything that separates the building from the surrounding area. M. Hamor said he is amenable to putting solid fencing differentiating their parking lot with the Davidson Parking lot.

T. Sar concurred with his colleagues.

T. Linnehan reiterated that the lighting will be needed at the site. He asked if the eleven spaces on the site will be designated for particular units or will they be "first come first serve". M. Hamor said they will be first come first serve, with some designated as drop off spots. T. Linnehan asked if a spot could be reserved for ride shares. M. Hamor said yes. T. Linnehan said the building goes right up to the sidewalk so landscaping would be difficult, especially during snow removal.

L. Walker asked how trash removal will work. M. Hamor said there is a dumpster on the plan.

D. Tenczar noted there are 43 units with potentially 106 occupants. A small dumpster may not be sufficient. How is it going to be screened on the property? M. Hamor said it will be emptied every day if needed. He said there is a dumpster there currently not screened. They can screen it with solid fencing.

G. Frechette said there is an opportunity to make the Davidson Lot look much better. There is a chance to try to soften it a little. He reiterated strongly that he would like to see some sort of screening and landscaping. He also noted the dumpster is not shown on the site plan. They know where the existing dumpster is, but it appears that site would take a parking space away.

D. Tenczar said he is supportive of the proposal, but agreed with G. Frechette that more could be done to make it look like a residential structure. He noted the existing lighting is probably not sufficient—it could certainly still be fairly dark.

T. Linnehan asked if the applicant would like to come back with a revised plan based on the comments tonight. M. Hamor said yes.

Motion:

G. Frechette motioned to continue to the September 10 meeting. D. Tenczar seconded. The vote was unanimous (5-0).

Site Plan Review and Definitive Subdivision Revision – 165 Nelson Avenue and 33-113 Adie Way (Rivers Edge), 01852

Residents First Development Corporation has applied to the Lowell Planning Board to amend the Definitive Subdivision and the Site Plan for the Planned Residential Development (PRD) known as “Rivers Edge”. The amendments pertain to the area of the PRD at 165 Nelson Avenue and 33-113 Adie Way. The applicant seeks approval to create sixteen (16) additional lots within the PRD in order to create an additional thirty-two dwelling units which will increase the approved number of units from 181 to 187. The subject property is located in the Traditional Two-Family (TTF) zoning district. The project requires a revision to the Definitive Subdivision approval from the Planning Board under Lowell’s Subdivision of Land Regulations and Site Plan Review under Section 11.4.2.

G. Frechette recused himself from this application

On Behalf:

Attorney John Geary, the applicant’s representative. This is the redevelopment of the former Julian Steele Housing Development, known now as Rivers Edge. This is the final phase. It is about 12.5 acres of land. Brian Milisci, the engineer, and Dennis Conors, the project manager, are also in attendance. The plan set shows the site plan, utilities plan, landscaping, swept path analysis, etc. They have also provided prototypical floor plans. The project’s Special Permit amendment was approved by the City Council pursuant to the Planning Board’s positive recommendation. The project was initially permitted in 2003 and 2004. It has received a new Conservation Commission approval. The final 16 units will bring the amount of units to 187. They will be income-restricted by deed. They are asking for an amendment to the definitive subdivision plan and the site plan. They provided a site plan showing the lots and utilities. This is the last step in the permitting process. They cannot meet the proposed staff comments on UV reflecting sealcoating on the pavement. It is usually done after new construction. The City Engineer asked if there will be an HOA. J. Geary said yes there will be for these final 32 units. It will deal with common charges, insurance, mailboxes etc.

Brian Milisci, the Engineer for the project, spoke. He discussed the site plan with the Board. He began with the GIS map for the site and highlighted the proposed area. This is phase 5. There was originally an additional cul-de-sac as part of the plan but it has been eliminated. He discussed the updates to the utilities. There was also originally 16 street trees on the plan, but they have doubled it to create 32 street trees.

J. Geary concluded by saying they have met or exceeded the criteria for definitive subdivision and Site Plan review.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

D. Tenczar said he loves the project. He has driven around it and noted what a difference it is from when he grew up. It is great that it provides homeownership opportunities. D. Tenczar asked who will be responsible for the upkeep of the street. J. Geary said the plan is for the streets to be accepted by the City Council.

L. Walker concurred with D. Tenczar and expressed support. All the proposed additions are conforming to zoning and they have received all other necessary approvals.

T. Sar concurred.

T. Linnehan asked P. Cutrumbes about the UV reflecting sealcoating. P. Cutrumbes said he is comfortable striking that condition because the units are being sold off and not maintained by the applicant. J. Geary also noted the sealcoat can be expensive and this is designed to be low-income housing. T. Linnehan expressed strong support. Happy to see this project reaching its completion

Motion:

T. Linnehan motioned to approve the amended Site Plan. D. Tenczar seconded. The vote was unanimous (4-0).

T. Linnehan motioned to approve the amended definitive subdivision. D. Tenczar seconded. The vote was unanimous (4-0).

Definitive Subdivision – 2 Prince Ave, 48 Newhall Street, 56 Newhall Street, 01852

Markley Lowell LLC, The Dude's Place LLC, and Sicard Management Service, Inc. have applied to the Lowell Planning Board seeking Definitive Subdivision approval to subdivide the existing properties at 48 Newhall Street, 56 Newhall Street, and 2 Prince Avenue into four (4) lots. The subject properties are located in the Light Industry (LI) zoning district. The project requires Definitive Subdivision approval from the Planning Board under Lowell's Subdivision of Land Regulations.

On Behalf:

Antonio Moura, of Stantec Consulting, the engineer for the applicant. Presented the preliminary subdivision plan in the spring. Tonight they are doing the definitive subdivision. It is essentially the same plan but more detailed. Noticed the stormwater staff expressed opposition to the detention basin being removed. He made point of clarification that is isn't being removed. They provided a stormwater report and once they secure definitive approval they will get a stormwater permit. They recognize they will have to get Conservation Commission approval. All the utilities will be privately maintained. There will be no public maintenance burden on the City or taxpayers. Utility easements will be created as part of the subdivision. They are working closely with Water Department. They met with the Water Department prior to submitting these plans and will work with them to finalize inspections.

Speaking in Favor:

None

Speaking in Opposition:

Neal Dale from 350 of Greater Lowell asked how we can decide if a road is appropriate without knowing what the land is being used for.

Chris Romero from 329 Moody Street. He believes Markley does not deserve any approvals because they have been negligent. The residents for the City deserve better. They've taken up enough of the land in the City.

Randal Snead of 63 Otis Street. Concerned about whether the roads will affect access to the Newhall Condos for the residents.

Holly Flynn, 34 Newhall Street. Raised concerns during the preliminary hearing in April. Still has those concerns. When will the driveway be built and what kind of vehicles will be using it? Also upset that the trees will be cut down. They don't state where they will be replaced. The neighbors have shared the space with the company. For years, residents were allowed to put their cars there to get off the street for plows during winter storms. The other half of the building's electric wire run across their property. What will happen to them? There is not actually a second exit as shown on the plans. The hilly dirt path is not actually an access way for cars. She has seen them already digging on Newhall Street without plans. She has reached out to DEP about a contamination spill in the area. Was the City aware of this contamination spill? Please consider the health safety and quality of life for the residents of the city first.

Jake Fortes of 36 Iowa Street. He has concerns about some of the work that is already in play. Also concerned for Holly. Based on his 11 years of experience with this company that the plans they file change very quickly. Wants to ensure there are fixed parameters for the entry way onto her property. There is no driveway for her under this proposal doing. He has seen the property lines staked out. The condo residents have a right to use the roadway. Markley has created parking problems in the neighborhood in the past. They reclaimed property that was public and put in a berm. He sees that happening again here. This needs to be stopped now. They do what they want and ask for forgiveness later. Regarding the driveway on Newhall Street: what happens to the roadway? Why do they need two different entrances to the facility? Is it just because they are subdividing it? Why are there no LFD comments? There are 23 generators on site. There are potential fire safety issues. Construction has already started on Lot 1 without any plans. They are not disclosing what's happening. Is this another case of letting them ask for forgiveness later? What are they doing there? Final point on soil testing. There is a dirt pile in the northwest corner. Markley has gone on a planting spree around the property using that soil property. 3 trees are dead from that soil and 2 trees are dying. Worries that this shows the soil being contaminated. It needs to be tested as a condition of approval. There is something wrong with soil on different parts of that property or the dirt pile would have been gone a long time ago.

Mary Wambui (Lowell resident, did not provide address). Speaking in strong opposition to the application as presented. For any company to do business in Lowell it should demonstrate it cares about the City. Asking for the definitive subdivision is a strategy. It is in bad taste. It is using this as a maneuver to avoid a zoning freeze that was put in place by the Council. If they want to do business here they should behave like a company that cares about Lowell. When the moratorium was being floated, they immediately filed plans to keep them away from the moratorium. They are preparing the ground for high impact infrastructure but have not provided any more information. We need to stop pretending that they aren't using loopholes to bypass the rights of the residents of the City. Not against data centers, but just wants responsible growth. Planning Board has to protect safety. Need to ensure the soil is safe and that the health of the public is protected. Asking to continue this public hearing to a later date and do not close the record until there are full plans for stormwater, traffic, etc. Markley says things will be privately owned and maintained. but they use the public grid and increasing the public electricity load.

Sean McDonough 61 Market Street in his private capacity as a resident. There is not a great deal of discretion in the review of a subdivision plan. Has a procedural concern. Lowell Subdivision and Land Regulations states that the developer shall have a preliminary meeting with DPD about the ultimate land

use. Was this done? Additionally, the data center moratorium prohibits the City from issuing permits for data centers. Said the preliminary plan application was filed after the public hearing was advertised. The applicant sued the City in the land court. Wonder why the applicant did this to avoid the moratorium if the proposed use of the land will not be used for construction of new operations for the data centers. Asks Board to confirm this with applicant and to confirm that it will not be able to be submitted under a "pre-existing nonconforming structure" under Zoning.

Megan Conroy 31 Lundberg Street. This is her first PB meeting. Wetland buffer zone feels like a band aid when there's 23 fuel generators on site. Feels the Markley group takes small and seemingly sensible bites out of the neighborhoods that add up to something that drives residents out. Companies like this applicant always have growth and expansion as their number one goal. Asked the Board if any applicant in the recent history of the Board has generated this kind of opposition.

Kate Lawrence of 20 Bishop Street. Also her first meeting. Is it ok to ask clarifying questions? The construction document on Newhall Street showed a new road going in has a cul-de-sac at the end. But there is some space between the cul-de-sac and Markley Way. Is the idea that the cul-de-sac will connect to Markley Way? A. Moura said he is unaware. Any future use is not decided. Appreciates that the public wants to know. Tonight all he can talk about is the subdivision. A. Moura also discussed the access to the Newhall Condos. Nothing in the plans will change the access. The only physical thing that will be different is the cul-de-sac. Any future development or project would have to come back before the Board.

K. Lawrence said that is concerning. It does not feel like Markley is being forthright.

Harini Aiyer of 80 Smith Street. Wants to note that trust has been broken multiple times with this company and has not been built back. These projects are done in small bites until the whole neighborhood is eaten. Agrees with previous speakers. Concerned that the residents are reporting that building is happening. Has the City inspected this work? Is Markley moving before they get permits? The Health Department should also comment on these plans. She has walked around the area a lot. There are two beautiful trees on the lot. Will be a major loss if they get cut. The neighborhood already doesn't have enough trees. Asked the Planning Board to take the company's past behavior into account.

Alex Solange of 15 Robinson Street. Has had problems with Markley construction close to his house. Extremely noisy. Frustrated that they lie all the time. He is not against AI and data centers. He thinks they can use solar batteries. His electricity bills have gone up 30%. Markley is polluting the neighborhood with diesel generators. They will not tell us what they are building. They are changing our quality of life completely. He noted election season is coming up and that Lowellians are not being listened to. The air quality gets damaged. The construction noise is overwhelming. Markley can use other technology besides diesel generators.

Brian Calhoun 46 Crowley Street. Who is responsible for making sure the company adheres to its approvals? He was here when the Greener Group was here when they got approved with multiple conditions. They didn't follow them, and they faced no consequences. T. Linnehan said they can always talk to the City Engineer, the Building Commissioner, etc. B. Calhoun asked if the departments are aware of Planning Board conditions. T. Linnehan said they are.

Johnathan Grossman 83 Varnum Avenue. Doesn't live near the site but it affects the whole City. Affects air quality and electrical costs. At the preliminary hearing they said they did not know the anticipated

use of the subdivisions. At that time they said they'd have more info at the definitive meeting. Urges no approval until their land use plans are disclosed.

Nancy Pappas 46 Staveley Street. We don't know what will happen on the site. Doesn't believe the company doesn't know what they are planning to put there. Her utility costs are going up. They have doubled since 2017.

Discussion:

G. Frechette said this is subdivision approval. He understands the frustration of the residents completely. We can only regulate the layouts of the lots and the roads. One of the requirements is that the existing topography is at a suitable contour interval. This was the first time in his years on the Board where he couldn't get onto the site for a site walk. He walked the perimeter of the property and noted the grade is very steep. He would like to do a site visit before making a decision. Wants to ensure it does not affect previous site plan review approvals. Wants to see street trees on the site plans. A. Moura said the proposed street trees are on the plans. G. Frechette reiterated he would like to walk the site. Asked if there is a retaining wall where the grade is steepest. A. Moura said there is one on the Newhall Street side. All the proposed grades tie into the existing grades. All information is on the plan.

D. Tenczar said he concurred with G. Frechette about a site walk. It is frustrating when you can't view the property. He stressed that the Board is listening to the public. Noted that much of the public's frustration is not within the Board's purview. They are only able to see if the application meets the definitive subdivision regulations for a road.

L. Walker concurred with her colleagues about a site visit.

T. Sar said they are listening to the public. They can only evaluate if the applicant is following the subdivision regulations.

T. Linnehan asked about access to the Newhall Street Condominiums. A. Moura said there will be no changes. Only the lot lines are changing. T. Linnehan asked if they met with DPD staff. A. Moura confirmed. T. Linnehan said that he received a memorandum from the Law Department that the Markley Group is not affected by the data center moratorium passed by the City Council. This is because they filed their preliminary plans before the moratorium was passed. T. Linnehan said that for expertise they defer to the comments from City staff. They cannot turn down an application based on the City's relationship with an applicant.

G. Frechette repeated that he would like to see a continuance so that the Board can walk the site. A. Moura expressed frustration that the plans were filed in May. There was time to do a site visit. They have taken very good care to follow all the rules for the subdivision. There is no requirement to have a site visit. They would have been happy to have them. Would like to request a conditional approval. The staff has included conditional approvals in their comment memo. A. Moura said he does not agree with the Board's decision to continue the application. He does not consent to it being continued. T. Linnehan and G. Frechette noted that the applicants would have to agree to the approval in writing. If a decision is not made within 45 days under state law, it would be an automatic approval and not provide the Board the opportunities to include conditions. G. Frechette stated that the applicant has come in multiple times for approvals and would like to see a continuance in the spirit of cooperation for a difficult issue. He asked A. Moura to confirm that the applicant is not cooperating with the Board. A. Moura stated that

they do not consent to any continuances. G. Frechette and T. Linnehan noted that if they don't make a decision tonight then it gets automatic approval without any ability to put conditions on it.

Motion:

G. Frechette motioned to continue the application to the October 5 meeting in order to schedule a site walk that is coordinated by DPD. D. Tenczar seconded. The vote was unanimous (5-0).

G. Frechette motioned to vacate the continuance. D. Tenczar seconded. The vote was unanimous (5-0).

G. Frechette motioned to approve the subdivision with the following conditions:

1. The applicant shall submit to DPD additional plans reflecting the overlay of the proposed cul-de-sac onto the pre-existing approved Site Plan to be presented to the Planning Board.
2. The applicant shall retain the existing outfall to serve as the overflow for the detention basin
3. The applicant shall provide a new stormwater report to evaluate the new detention system alterations
4. The applicant shall apply for a Notice of Intent and receive approval from the Conservation Commission for any work within the 100-foot buffer zone of the wetlands.
5. All utility connections shall be privately owned and maintained
6. The applicant shall provide a recorded private roadway utility maintenance agreement for Data Road identifying responsibility for the roadway, sidewalks, snow removal, lighting, gates, landscaping, drainage, stormwater systems, and private water and sewer utilities. The agreement shall apply to all lots serving Data Road.
7. All required roadway, utility, drainage, access, inspection, and maintenance easements shall be shown on the plan.
8. The applicant shall obtain all required permits from the Engineering Office prior to commencing work
9. Any utility trenches within City streets shall be milled and paved as one continuous patch.
10. Water department to inspect prior to turning on water.
11. The applicant will work with the Sustainability Director to ensure that future plans of the site align with the sustainability goals of the City and the Commonwealth of Massachusetts.
12. The applicant shall obtain a new stormwater permit or amend existing stormwater permit from LRWWU to remove the detention pond and address any issues from the stormwater team.

Seconded by T. Linnehan. The vote was 4-1 with D. Tenczar in opposition.

Definitive Subdivision –45 Bolt Street, 01852

Meadowbolt LLC has applied to the Lowell Planning Board seeking Definitive Subdivision approval to subdivide the existing lot into two (2) lots at 45 Bolt Street. The subject property is located in the Light Industrial (LI) zoning district. The project requires Definitive Subdivision approval from the Planning Board under Lowell's Subdivision of Land Regulations.

On Behalf:

Antonio Moura, the applicant's representative. They have submitted a definitive subdivision to split 45 Bolt Street into two lots. They received a staff memo outlining proposed conditions. The application meets the compliance requirements for the definitive subdivision plan in the City of Lowell. Amenable to all the stormwater and engineering conditions. He summarized the stormwater conditions in the staff

comment memo available online. He noted that some of the conditions that relate to soil analyses are difficult right now because there is a building on site. They should do these analyses after the building is taken down, and agree they will not build the road until these conditions are satisfied. Any future development on this lot would require a Site Plan Review application. They used the best available public information they could, combined with engineering expertise, to come up with a stormwater plan for after the building is demolished. Amenable to working with the Sustainability Director to ensure that future plans of the site align with the sustainability goals of the City and the Commonwealth of Massachusetts. The existing drainage is going to be removed after demolition. All utilities will be cut and capped prior to demolition of the building. The utilities will be privately owned and maintained.

Speaking in Favor:

None

Speaking in Opposition:

Jake Fortes of 36 Iowa Street. Asked how late the Board can go. T. Linnehan said its at the discretion of the Board. J. Fortes said that if the City has its hands tied by the 45-day requirement to issue a decision, he proposes taking a trip to the site right now. There is a tank on the site that he has seen things pulled out of that are clearly contaminated. The applicant's engineer is claiming that it is safe to tear down the building and then take the soil borings. He believes Markley is playing games. The ground is clearly contaminated. Nothing should be done until the borings are done.

Chris Romero of 329 Moody Street. Believes this should not be approved. Hopes Markley is watching right now because the residents are going to continue until they stop. The residents are fed up. Markley has been negligent to the community.

Brian Calhoun of 46 Crowley Street. What are they proposing to put on this site? A. Moura said the client is still evaluating what their options are for the property. The definitive subdivision is just part of the evaluation process. They may sell them off. They may develop them themselves. It is not decided yet. At some point in the future, when what is decided, there will be a detailed Site Plan Review done by the Planning Board. B. Calhoun said if they don't know what they're putting there, why do they need a road and a water line? A. Moura said they are allowed to build this road under Definitive Subdivision regulations. They are required under these regulations to provide all utilities. B. Calhoun asked the Board if this application has a 45-day deadline like the prior application. The Board confirmed.

Randall Snead of 63 Otis Street. He has one clarifying question. Does the structure at this location cover the entire space of the proposed roadway. A. Moura confirmed. The building covers almost the entire lot. R. Snead said he understands the size of the structure makes a soils test difficult, but there is evidence that the demolition process would blow around potential contamination into the neighborhood. There should be some due diligence done.

Alex Solange of 15 Robinson Street. He feels uncomfortable because, like the past application, they will not say what its for. A. Moura said the applicant has not decided at this time.

Mikayla Hondros-McCarthy of 618 Stevens Street asked if they will cut into a public roadway as part of the project. A. Moura confirmed. There are existing utilities that they will be stubbing off at Bolt Street. There is an Activity and Use Limitation (AUL) at the property. This does not mean the parcel can be developed. There was a spill but the cleanup has been approved by DEP. You cannot build residential or particular commercial uses that would be considered endangered by the contamination. The AUL does

allow industrial development. The DEP is the governing body that oversees this, not the Planning Board. M. Hondros-McCarthy stated that submitting a definitive subdivision plan is one of the most potent procedural maneuvers that a developer can use to get around a zoning moratorium. The Planning Board should put in strong conditions. Markley was required to meet with the Sustainability Department quarterly. She asked how many of those meetings happened. A. Moura said he is not involved in that side of things. He is a consultant hired by the client. All he can speak to is the information on these plans. He is here to present a technical document and nothing else. She said she would be happy to go on the field trip J. Fortes proposed.

Harini Aiyer of 80 Smith Street. Understands it is the end of the 45-day deadline and they can't do anything. Why wasn't everything lined up after the preliminary hearing so that we weren't going to be up against a deadline? Why weren't things like a site visit planned in advance? G. Frechette said he has never had an applicant refuse a continuance request to do a site visit. We can't deny this for an arbitrary reason. Takes responsibility for suggesting a site walk. He did not expect to have an applicant reject the continuance. H. Aiyer said this suggests Markley's plan for these sites is more important than being a good neighbor.

Megan Conroy of 31 Lundberg Street. Thinks that a site visit is a perfectly reasonable request. It is unrealistic to assess the site without visiting. It is noteworthy that Markley is rejecting the request. Appreciates that the Board has to operate within the rules. Worried that the applicant is not engaging in the rules in good faith. Is there a way to force a site visit? G. Frechette said there probably would not be value in approving the definitive subdivision with the condition of a site visit. Technically, the applicant has met the definitive subdivision regulations to the letter. He has seen it in other towns where they deny projects without the legal basis and then cost their municipalities large amounts of money in legal fees when the applicant appeals in court.

Johnathan Grossman of 83 Varnum Ave. The frustration about the applicant not disclosing their plans for the site is not only his concern. The Water Department indicates in the comment memo that they cannot make full comments without knowing the plans for the site.

Steve Malagione of 200 Market Street. Has a lot of sympathy for Board members. Understands that all they can ask is if the applicant checks all the relevant boxes based on their expertise and City departments. The scales of justice are supposed to be balanced and impartial. Understands the Board's position. The Board has heard from residents over and over with their concerns regarding Markley.

Neal Dale from 350 of Greater Lowell asked if it is within the Board's purview to require soil sampling before demolition. T. Linnehan confirmed. N. Dale said they are hearing this concern from residents. T. Linnehan said he believes the City departments are asking for soil analysis before demolition.

Discussion:

L. Walker asked for clarity on the basis of the calculations for the stormwater reports. Could you provide the data for that basis? A. Moura said it isn't a preference, it's an impossibility. As opposed to a vacant field, they cannot do soil borings, soil analyses, infiltration testing, etc. because there is a building there now. It isn't appropriate to knock a chunk of the building down prior to the full demolition just to do these soil borings. L. Walker said she understands but wants to know the source of how they made their stormwater plan estimates. A. Moura said they used publicly available data on what infiltration rates would be in this area and that data, combined with engineering expertise, is how they put the plan

together. L. Walker said they just need to see a report on what the numbers that were used from publicly available data. A. Moura said they are happy to do that. He also noted this project is not subject to the jurisdiction of the Conservation Commission.

D. Tenczar said the Board has to follow what the City departments are saying. They are saying we need those soil borings and related tests before the demolition of the building. T. Linnehan concurred. D Tenczar noted that there is an Activity and Use Limitation (AUL) on the property. His reading of the staff comments is that the soil borings are to be done prior to demolition. A. Moura said they are agreeable to that.

G. Frechette said that they got project cost estimates with this application for building the road. He would like to make a condition of approval that the road would have to be completed or a bond will have to be posted before the lots could theoretically be sold.

T. Sar said that, to be fair to the applicant, they have given us plenty of time from when they submitted the application. A. Moura said they would have been welcome to visit the site if they had requested in advance.

T. Linnehan noted the comment memos came out last week which gave them short notice to make a request to visit the site.

Motion:

T. Linnehan motioned to approve the definitive subdivision with the following conditions:

1. The applicant shall grade the site so that if the detention area overflows, all water will remain on site.
2. The applicant shall submit a revised plan showing the borings on the site prior to demolition of the building.
3. The applicant shall conduct a soils analysis on the site prior to demolition of the building.
4. All proposed wastewater infrastructure shall be privately owned and maintained.
5. The applicant shall provide documents showing the basis of their calculation for the seasonal high ground water and infiltration rate.
6. The applicant shall obtain all required permits from the Engineering Department, including stormwater, street opening, sewer, water, trench, driveway, and any other applicable permits prior to commencing work.
7. The applicant shall receive approval from DEP.
8. The applicant shall work with the Sustainability Director to ensure that the future development of the site align with the sustainability goals of the City and the Commonwealth of Massachusetts.
9. The applicant shall ensure that any utility trenches or other excavation within Bolt Street shall be milled and paved as one continuous patch in accordance with City standards.
10. The applicant shall continue planting trees along Bolt Street and replace any trees along Meadowcroft Street that are negatively impacted by this construction.
11. The road shall be completed before any of the lots are sold.
12. The applicant shall provide a recorded private roadway utility maintenance agreement for Meadowcroft Road identifying the party responsible for the roadway, sidewalks, snow

removal, lighting, gates, landscaping, drainage, stormwater systems, and private water and sewer utilities.

D. Tenczar seconded. The vote was unanimous (5-0).

IV. Other Business

V. Further Comments from Planning Board Members

VI. Adjournment

T. Linnehan motioned to adjourn. G. Frechette seconded. The vote was unanimous (5-0). The meeting was adjourned at 10:13 PM.