

**FITCHBURG PLANNING BOARD MEETING MINUTES  
THURSDAY\*\*, MARCH 15, 2018**

**MEMBERS PRESENT:** Paula Caron, Chair      Peter Capodagli  
Paul Fontaine, Jr.      Mike Hurley  
Laura O’Kane      Andrew Van Hazinga  
Amanda Koeck (Assoc. Member)

**STAFF:**                      Mike O’Hara, Tom Skwierawski, Mary Jo Bohart

[ \*\* Meeting had been postponed from Tues. 3/13/18 due to snow. ]

**Call to Order**

Meeting called to order at 6:02 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

**ANR plans**

479 Electric Ave., Cumberland Farms

Existing Cumberland Farms parcel & an adjacent 15,600 sq. ft. parcel that had recently been acquired by Cumberland’s are to be combined. Construction on a new, larger Cumberland Farms will begin in a few weeks.

**PUBLIC HEARINGS**

Special Permits - S & O Realty, 46 & 52-54 Myrtle Ave. - re-establish two 3-families (cont’d)

Nothing heard from applicant since last meeting as to whether he wants to continue or withdraw application. He could apply for bldg. permit under the recent changes to the nonconforming section.

Motion made & seconded to continue the hearing to next month.

Vote 6-0 in favor.

Special Permit - FBC-19-62, LLC, 191 Cedar St., 126 Pacific St., Common Driveway

Applicant had requested the matter be continued to 6/12/18. No abutters present.

Motion made & seconded to continue the hearing to the June 12<sup>th</sup> meeting.

Vote in favor. The Board wanted the applicant to be notified that there should be no paving of the parking area on these lots until the Special Permit has been approved.

Special Permit - Verizon, rooftop wireless communication facility, 279 Daniels St. (cont’d from 2/13/18)

Atty. Victor Manougian, representing Verizon: They have eliminated the generator on the roof and the gas line on the side of the building and will use a back-up battery instead. Battery lasts for 12 hours; they’ve used at other sites. With the elimination of the gas line, there is really nothing to see on the photo simulations.

Motion made & seconded to close hearing. Vote in favor.

Motion made & seconded to Approve Special Permit with condition:

- Camouflage the wireless equipment to match outside of the building.

Vote in favor.

*Ms. O’Kane & Mr. Van Hazinga recused themselves for the following item due to a Conflict of Interest and left the room.*

Special Permit - NewVue Communities, 181 & 183 High St., Common Driveway (continued from 2/13/18)

Steve Cook present. Hearing re-opened. 35-day department comment period has passed.

No further public comment.

Motion made & seconded to close hearing. Vote in favor.

Motion made & seconded to Approve Special Permit, with waivers of slope and width of driveway.

Conditions:

- Conformance with submitted site plan.
- Submittal of Common Driveway access & maintenance easement to Board.
- Perform cosmetic repairs to gate.

- Subject to Fire Prevention determination of suitability of common driveway for access.
- Provide street address sign on Johnson St. for both dwellings and address sign on the garage at 183 High St. stating: "Access for 183 High St. via Johnson St."

Vote 5-0 in favor.

*Ms. O'Kane & Mr. Van Hazinga returned to the meeting.*

Special Permit & Site Plan Review - Atlantic Medicinal Partners, Medical Marijuana cultivation/processing & dispensary facility, 774 Crawford St.

Atty. Phil Silverman, Matt Hamer, P.E. and John Caveney, architect presented plans.

Phase I is a \$4-5 million investment. Phase I: 25,000 s.f. grow facility & dispensary. Phase II 25,000 s.f. expansion. Existing business (Quadgraphics) will stay in the Phase II space and relocate when they expand.

They have a Host Community Agreement in place. The parcel will remain as taxable real estate.

Equipment taxed as personal property. Total employment 20-30 at full capacity, most will be FT.

Security system explained. 24 hr. surveillance w/ direct connection to FPD.

Est. # of customers 10-20 hour at peak, transactions avg. 10-15 mins.

43 parking spaces provided, including 2 H/C.

Fitchburg will be their only grow facility. Dispensaries will be in Fitchburg, Wellfleet and possibly a 3<sup>rd</sup> location.

Q: Why locate here? Building in good condition, no residential uses nearby.

Results of Traffic Impact Study discussed: No comparable land use in ITE's Trip Generation Manual, but there's a comparably-sized facility in Quincy (both cultivation & retail) that was studied - - marginal impact on traffic.

Hours of Operation: Possibly 8:00 a.m. to 8:00 p.m., probably 7 days/week. Maybe fewer hours on Sundays. Will be using Century Bank, employees will have debit cards.

Dept. comments reviewed.

Public Comment:

Scott Morrissey, Red Line Wall Systems, Hamilton St., Leom. - Medical marijuana is proposed now, but what if they want to add Recreational? Will need to go through a separate review process.

Mike Couture, Sheldon Rd: Will there be any signs? No.

Peter Kettle, Alpine Rd: Does not want to allow Adult Use growing or sales in Rural Residential areas.

Ms. Caron: Which testing lab will they use, there's only three in state. Maybe one in Milford.

Board consensus: Fitchburg is interested in having a testing facility.

Board agreed to continue hearing to next month to receive all Dept. comments

Zoning Ordinance Amendments - Non-medical Marijuana Establishments

Hearing opened.

Tom Skwierawski introduced the proposed amendments.

Atty. Pusateri, City Solicitor distinguished between Adult Use marijuana cultivation, processing, retail sales. His office had asked Fitchburg's current Medical Marijuana applicants & attorneys to review draft amendments & offer comments. The proposed amendments would limit retail sales to the existing MMOD on Authority Drive and Airport Rd./Crawford St.

He advised go slow, is concerned with unintended consequences

Separate non-zoning amendment proposed include a 3% local tax on sales, modifying the Open Container law, amending the Social Host Liability Ordinance and limiting the # of Adult Use facilities to 40% of the retail liquor establishments.

Chief Martineau: His opinion on Adult Use has not changed; he voted against the referendum, but he represents 100% of the people of Fitchburg. He's concerned with protecting the youth of the city.

Wants to keep adult use out of the downtown, no sales on Main St., citing the density of areas where

young people are (Library, YMCA, Longsjø) and that fact that Police visibility of the area around the retail sales is important.

Public comment:

Barry LaFleur, 270 Williams Rd.: Heard that there was a possibility to allow this in Rural Residential. He's not in favor of that.

Peter Kettle, 44 Alpine Rd.: Heard that Daigle farm was sold last Friday for an outdoor grow facility, is against that. Cultivation would use lots of water, that area is all on wells – effect on neighbors?

Mike Couture, Sheldon Rd., across from Daigle property: Is against allowing in RR.

Mike Kushmerek, Ward 5 Councillor agrees. He has heard from several constituents on this. There's plenty of room in Industrial areas.

Kamani Jefferson, MRCC: In their draft regulations Cannabis Control Commission allows outdoor grow.

Mike McLaughlin, ZBA: Will there be Buffer Zones? Yes, 300-feet from residential, schools, parks, etc.  
Sam Squailia, 225 Scott Rd.: 57% of Fitchburg voters OK'd referendum. Should treat marijuana similar to how deal w/ sale of alcohol. Shouldn't restrict it to overlay districts, but allow in CBD and C&A.  
Worcester has proposed to allow retail in their downtown.

Rosa DeSousa, 26 West St.: Recreational user- supports retail sales, Fitchburg should jump at the opportunity for additional revenue.

Dylan MacLean, 35 Colony Rd.: Don't restrict sales to just the existing MMOD. Kids' access to cannabis is more likely via plants in their own homes. Why not in downtown? Don't limit opportunities.

Bob Porter, 167 Blossom St.: Fitchburg should embrace this new industry, if sales are restricted to outskirts we'll have speakeasies. Take the seediness out of marijuana.

Ken Posco, downtown business owner & resident: Has a medical marijuana card, don't allow sales of non-medical in the downtown, proceed slowly.

Josh Gilmore, Massachusetts Recreational Consumer Council (MRCC) is videotaping meeting, supports the proposal.

Shannon Jones, MRCC: Supports proposed amendment. Should base decisions on facts not fear. Adopt the Adult Use amendment & study effects. Fix it if it becomes a problem.

Josiah Richards, 199 Fisher Rd.: Support retail of medical & recreation cannabis. Get Fitchburg ahead of the curve.

Ms. Caron advised that the City Council will also have a public hearing on this proposed Zoning Ordinance amendment on April 3<sup>rd</sup>.

Motion made & seconded to close hearing. Vote in favor.

Board discussion:

Agreed: Also allow Independent Testing Facilities in NBD.

Some member did not want retail on Main St.

Overlay should include a wider area than just the MMOD, make access walkable for local residents.

Concern with clustering. Should establish a minimum distance (1,000 feet?) between retail locations.

Police Chief Martineau: Visibility of retail locations to the police is very important.

Motion made & seconded to recommend in favor of the proposed Zoning Ordinance amendments with several changes:

- Add additional areas to add to the Overlay district where retail sales would be allowed by Special Permit:
  - John Fitch Highway portion of the CBD between Summer & Lunenburg Sts.
  - CBD & NBD-zoned portion of the South/Whalon St. corridor.

- Water St. area (Central Plaza) between the Nashua River & the railroad.
- River St. from Kimball Place westerly to the Cleghorn Rotary and Oak Hill Rd.
- Amend Section 181.6511 by changing 60 days to review to 30 days.
- Amend Sections 181.6546 & 181.656 to also allow Independent Testing Facility in in the Neighborhood Business District (NBD).
- Establish a minimum distance between Marijuana Retailers (MEs) of 1,000 feet.
- No Medical or Recreational Marijuana Establishment (*grow, sales, etc.*) should be allowed in any Residential District (RR, RA-1, RA-2, RB, RC).
- The Medical Marijuana ordinance should eventually be amended to allow in the areas where Adult Use is allowed.

Vote in favor.

## **OTHER BUSINESS**

### Transfer of Special Permit 2017-1 from Fitchburg Sports Complex Property Mgmt. to Fitchburg Soccer, LLC & Fitchburg Sports Operation, LLC

Atty. Tom Bovenzi present. A Condition of the "Game On" Special Permit required Planning Board approval of a transfer. Permit proposed to be transferred from "Fitchburg Sports Complex Property Mgmt." to "Fitchburg Soccer, LLC" & "Fitchburg Sports Operation, LLC" (S. Marsden & P. Sangermano will remain as principals of both LLCs).

Motion made & seconded to close to Approve the transfer of the Special Permit. Vote in 6-0 in favor.

### City Council Order #50-18 (Discontinuance of a portion of Westminster Hill Rd.)

Atty. Pusateri & Atty. Tom Bovenzi present. The portion of Westminster Hill Rd. that abuts the parcels owned by Steve Marsden is proposed to be abandoned. Marsden owns the property on both sides of the road. That way that portion of road can be taken off official maps so that drivers using GPS will not be directed to Game On site via the easterly side of Westminster Hill Rd.

Motion made & seconded to recommend in favor of the Order as described in the handout by City Solicitor. Vote in 6-0 in favor.

### Preliminary Subdivision Plan - Seney, Meadowbrook Lane & Canton St.

Steve Seney & Wes Flis, Whitman & Bingham presented plan for 12-lot conventional subdivision off Meadowbrook Lane. Approximately 500-foot long cul-de-sac, conforming 12,500 sq. ft. lots.

No waiver of Subdivision Regs needed.

There would need to be cut into the grade on the uphill (right) side of the road with drain at the toe of the cut slope. Speed bump on Meadowbrook Lane near Canton St. will need to be addressed.

Possibility of shifting road further downhill and have reduced front & rear yards - would need to be via flexible development Special Permit, however a waiver of the buffer from adjacent properties would be required. They will probably go ahead with a definitive plan.

### Possible Zoning Ordinance amendments - discussion

Board discussed an amendment to allow "Seasonal Outdoor Dining" in the Industrial and Ltd. Industrial districts, where it's currently prohibited. Purpose is to allow for this use at area restaurants that are considering outside seating, such as Dario's & River Styx.

Motion made & seconded to initiate the petition and submit to City Council. Vote in 6-0 in favor.

The Board can hold a public hearing on it at their April 10<sup>th</sup> meeting.

### Planning Board Rules & Regulations / Procedures - revisions?

Deferred to a later meeting.

### Meeting Minutes

Deferred until finished.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 10:28 p.m.

Next meeting: April 10, 2018

Minutes approved: April 10, 2018