

**DRAFT    FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, SEPTEMBER 10, 2019**

**MEMBERS PRESENT:** Paul Caron, Chair  
Peter Capodagli  
Laura O’Kane  
Amanda Koeck  
Paul Fontaine, Jr.  
Mike Hurley  
Andy Van Hazinga

**STAFF:** Mike O’Hara, Tom Skwierawski

**Call to Order**

Meeting called to order at 6:05 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

Amanda Koeck had been appointed as a full Planning Board member at the Sept. 3<sup>rd</sup> City Council meeting.

**ANR PLANS**

None.

**MINOR SITE PLAN REVIEW**

NS AJO Holdings, 20 Authority Dr. - extension on Site Plan Approval condition for Adult Use Cannabis  
Atty. Dan Glissman, Prince Lobel Tye & Aiden O’Donovan of NS AJO present.

Dan submitted a handout to the Board explaining their request. They are seeking an extension of the one-year period to commence operation of the Adult Use Cannabis operation, which was a condition of their October 2018 Site Plan Approval. Progress at site to date: Construction started on interior fit-out Feb. 2019. They expect to finish construction end of year. Est. start of cultivation: 1<sup>st</sup> Q 2020. Plan to open doors April 2020.

Q: Will both medical and non-medical cannabis be available at the same time? Aiden: TBD.

In the previous site plan approval decision there was some confusion over language.

Agreed: The Board’s Site Plan Approval was intended to cover the Cultivation, Processing & Retail sales of Adult Use Cannabis. The decision will be revised to reflect that.

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve an extension of the time period to commence operation of the Adult Use cannabis operation to one year from October 2019, and also to clarify language of the Site Plan Approval. Vote in favor.

**PUBLIC HEARINGS**

*Mr. Van Hazinga left the meeting due to a potential conflict of interest.*

Plan Review under Ch. 40R - Smart Growth Overlay District - NewVue Communities, Fitchburg Arts Community, 62 & 82 Academy St. (continued from 8/13/19)

Present: Marc Dohan & Steve Cook of NewVue, Janis Mamayek, ICON Architecture, Jim Devellis, P.E. & Atty. John Smolak.

Marc gave update since last month’s meeting. They met with Parks Board Sept 3. Parks Bd. is OK in concept of having part of Lowe Park used for parking. Now a final easement plan & easement documents need to be prepared & submitted to Parks Bd. NewVue and their engineer met with DPW to address their concerns. NewVue will be submitting a revised plan addressing their comments next week.

Dept. comments reviewed.

Board comments:

Possibility of having Public art on FAC’s campus? Janice: NewVue will be working to incorporate art in the open spaces.

Ownership of retaining wall at High St. is shared between City & NewVue. Part of the retaining wall needs to be modified during construction of the project. DPW & NewVue needs to figure out way to allow NewVue to work on public property, maybe an easement so that city would be able to repair wall if necessary.

The Community Development Dept. Div. of Housing will be the monitoring agent for developments in the 40R district.

Mr. Hurley noted, per Building Commissioner comments, the # of parking spaces set aside for Lowe Park will not support a full baseball team. Tom Skwierawski noted that there are not currently any spots for Lowe Park, the Parks Board finds this solution acceptable. He also noted that the Building Commissioner wanted to Board to be aware that although the project meets parking requirements for the 40R's residential components, the potential assembly uses in the "live-work" space, depending on interpretation, there may be a waiver needed for these additional uses. Ms. Caron agreed with this interpretation.

Steve Cook: They're not planning have any large-scale events at the facility requiring lots of parking; the largest meeting room in the building will only have a capacity of 50 people.

Ms. Caron suggested install low landscaping on green areas instead of trees.

Ms. Caron reviewed requirements of the 40R Smart Growth overlay district and how this project compares to them.

Public comment:

Nick Capasso, Director FAM: Project has full support from him and FAM's Bd. of Directors. They have been working with NewVue on this for four years.

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

Motion made (Mr. Fontaine) & seconded (Mr. Capodaglio) to Approve Plan with conditions:

- Applicant to incorporate cast iron handicap detectable mats into the design.
- Sidewalks and crosswalks around the periphery of the proposed project be reconstructed to City Standards as part of the proposed project.
- Applicant will submit drainage calculations to the DPW for review and approval.
- Applicant will prepare and submit an O&M plan to DPW for approval per Section 22.D of the City's Stormwater Rules & Regulations.
- Applicant will work with Mayor and City Solicitor on an agreement to transfer ownership and maintenance responsibilities of the extant retaining wall to the City.
- Any proposed modification(s) to this retaining wall must be properly designed, engineered, and constructed. The applicant shall provide engineering plans to DPW for review and approval prior to construction, and during construction the applicant will have a representative from DPW-Engineering on site. Any agreement between the applicant and the City regarding ownership of the wall must include language that outlines who "owns" the proposed wall modifications upon completion of construction into perpetuity. The design of the new retaining wall base may encroach onto the area currently designed as parking. If modifications to the approved site plan are needed due to repair work on the retaining wall, such modifications are subject to Planning Board review & approval.
- Subject to applicant receiving approval for the Article 97 release of park land for an easement for the property, which includes Parks Board/Conservation Commission approval, and a 2/3 vote of the state legislature.
- Security cameras to be installed on site, in consultation with Fitchburg Police Department.

Vote in favor (5-1, Mr. Hurley opposed).

*Mr. Van Hazinga returned to the meeting.*

Special Permit & Site Plan Review - Donell, 4-unit PUD, Old Princeton Rd. (cont'd from 8/13/19)

Hearing re-opened. Jamie Rheault, Whitman & Bingham Engineering present.

Jamie: Revised plans based on comments from DPW at last meeting were recently resubmitted.

In order to give DPW-Engineering time to review, he's requesting hearing be continued to October.

Floor plans & elevations reviewed by Board. Condo units will be approx. 1,300 sq. ft. each, will have 1<sup>st</sup> floor master BR, 2 BRs on 2<sup>nd</sup> floor. Donell willing to restore/replace existing wooden fence on 100 Princeton Rd. side.  
Dept. comments reviewed. Test pits on site had been done prior to the 2006 special permit application.

Public Comment: None.

Motion made & seconded to continue hearing to October. Vote in favor.

### **OTHER BUSINESS**

#### Woodland Ests. manufactured home park, Rindge Road - status

Jamie Rheault & Joanne Hamberg present to update board on status of her project. Special Permit originally approved 2006. Project has no completion date in the Special Permit conditions.

Joanne estimated that 23 units have been completed thus far of the total of 54 units that had been approved. By the end of the year she should be approx. 2/3 completed, and completely finished in another two years.

### **PUBLIC HEARINGS (cont'd)**

#### Minor Amendment of Special Permit #2018-7, Garden Remedies, 307 Airport Rd. - revised Greenhouses

Hearing opened. Brian Marchetti, McCarty Engineering present. Plan approved by Board last year for "hoop house" greenhouses be located on a bed of crushed stone has been revised. Garden Remedies current proposal is to construct a more permanent 32,256 sq. ft. greenhouse in the same area. The greenhouse will have a poured 4-foot high concrete foundation, a concrete slab on grade, and a tubular steel frame with glass walls & roof. Part of the structure is in the 100-year floodplain. Finish Floor Elevation of greenhouse will be one foot above the Base Flood Elevation. Compensatory flood storage will be provided. An Amended Order of Conditions had been approved at the last Conservation Commission meeting.

Public comment: None.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve Minor Amendment of Special Permit. Vote 7-0 in favor.

*Mr. Van Hazinga again left the meeting due to a potential conflict of interest.*

#### Special Permit & Site Plan Review - Shaine, 132 Pleasant St., conversion to a multifamily dwelling

Present: Josh Shaine & Sherene Raisbeck. Hearing opened.

Josh & Sherene presented plan to convert former group home owned by the Fitchburg Housing Authority into a 3-unit building (one 4-BR, one 3-BR & one 1-BR). There are 15 rooms & 5 bathrooms in the building. They submitted a letter from DHCD & Fitchburg Housing Authority detailing the process FHA went thru to dispose of these properties & select the Shaines.

Josh: Agreed that eliminating pkg. space #6 is better since in an awkward spot. It is possible to add two more spaces to the 5 shown on the plan.

Public Comment:

Linda Nicholopoulos, 140 Pleasant St. - Objects to multiple apts. Many multi-families in area are no longer owner-occupied. Before, she could call FHA if problems with this property, but no longer. She's skeptical that this conversion to apts. will be done in a responsible manner.

Kristine Schneider, 99 Pleasant St. - Parking is a big concern. Also, sidewalks are not cleared during winter.

Maryann Macri, 146 Pleasant St. also concerned with density & how tenants are screened.

Josh: Both Pleasant & Prospect St. properties were group homes previously with staff. He would argue that the traffic flow when converted to apts. would be less.

Sherene: Has decades of experience in managing rental properties in Mass. - has 3 units in Malden and 4 units in Lowell. She requires credit checks and eviction records, and references from past landlords. Her typical tenant stays 3½ years. All landscaping maintenance will be done by Susan Shaine.

Board Comment:

Check w/ Bldg. Commissioner, this may also need relief from the ZBA for density. Also, the Board requested that the limit of the parking area be staked out in on the lot so that members can see its extent. Mr. Fontaine: Structure will never be a single-family dwelling again, but if Board finds that it has safe, adequate off-street parking, he doesn't see a problem w/ it.

Mr. Capodagli: Not in favor of increased density here. A 2-family would be by right. Sees no benefit in having a 3-family in the neighborhood. Josh has looked at a 2-family, not financially feasible.

Ms. Caron shares Pete's opinion. There are other alternative uses. Need not be housing for 80% AMI. Josh noted that he needs 5 votes to approve & requested continuance to next meeting on order to address some of the concerns made tonight.

Motion made & seconded to continue hearing to October. Vote in favor.

Special Permit & Site Plan Review - Shaine, 16 Prospect St., conversion to a multifamily dwelling

Hearing opened. Josh & Sherene Raisbeck presented plan to convert former Group Home owned by the Housing Authority into a four-unit multi-family. Dwelling is 4,600 sq. ft. First floor can never be a single unit due to its layout w/ stairwells. Site plan & floor plan reviewed by Board.

Public Comment:

Ms. Heimo, 22 Prospect St. - Her house is only 10 feet off property line. Parking is an issue, also concerned with noise, privacy & stormwater runoff. Location is in a "Quiet Zone" of health care facility.

Ray Burnette, 10 Arlington St. - Property abuts their backyard, he's concerned about the proposed conversion to a multifamily. It will add density to an already dense neighborhood.

Dianne Burnett: Headlights will shine into the back of their house, which is mostly glass.

Wendy Bennett, 20 Mechanic St. - Objects to increased density in the neighborhood.

Rob Talbot, 16 School St. - Proposal is too dense. Absentee landlords in the neighborhood have no control over their tenants.

Jim Reynolds, 53 Prospect St. - Also concerned with additional density in the neighborhood

Tom Donnelly, 149 Prospect St. - Housing Authority acquired this property in the 1970s and went to the SJC to establish a group home there. It doesn't comply with the zoning in the neighborhood. The large single family at the corner of Prospect & Arlington was on the market for a lot longer and that was eventually sold & used and a single-family.

Marlaine Young, Caldwell Home, 10 Prospect St. - objects to a multifamily dwelling being that close in proximity to elderly residents of her rest home. She had been told that the proposal was not to be "affordable housing" & now she finds that it is.

Board comments:

Mr. Capodagli: Sees more issues with this application. Parking area is very difficult to access, tenants & visitors will end up parking on Prospect St. There are no other 4-family dwellings on Prospect St. Suggested a high-end 2-unit condo instead.

Ms. O'Kane: Proposal doesn't appear to be in the character of the neighborhood.

Josh: After hearing the public's & Board's comments he would like to withdraw the application.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to accept the applicant's request to Withdraw without prejudice. Vote in favor. Josh will follow it up with a written request to withdraw.

*Mr. Van Hazinga returned to the meeting*

Special Permit & Site Plan Review - The Healing Center, 356 River St. (former Cumberland Farms)  
Retail sales of Adult-Use Marijuana

Hearing opened. Atty. Danielle de Benedictis, Paul Ferazzi, Mannie Greenspan, security guy (name) present. Applicants propose to convert the former Cumberland Farms building at the corner of Daniels & River St. into a retail facility for Adult Use Cannabis. Parcel: .45 acre. Total bldg. size: 2,840 sq. ft., 2,000 sq. ft. to be used for retail. 27 parking spaces on site. Customer entrance will be in same location as Cumberland's was. New garage door to be installed on left side of bldg. so delivery vehicle can pull completely into the bldg. They will eliminate the parking spaces shown on plan in front of that door. Landscaping island at the intersection will be enlarged. No exterior dumpster, they'll store waste inside bldg. USTs on site will be removed by Cumberland's prior to closings. Cumby's is also responsible for any contamination originating from site. Proposed hours of operation 10:00 a.m. to 10:00 p.m. - - will need to check w/ FPD about closing that late.

Dept. comments reviewed. Still need written comments from FPD.

Board comments:

Board reviewed 300-foot buffer map - Will need waiver of 300-foot buffer from residential portion of the One Oak Hill Rd. parcel (Anwelt Heritage Apts.). Applicant should think about whether existing bollards in front of building still needed, go with curb stops instead?

Q: Host Community agreement? They are working w/ City Solicitor on it.

Security plan & camera locations discussed. (security guy) has worked with several other cannabis applicants other communities. They have contracts w/ 15 other Cannabis facilities to provide security systems.

Suggested off-site improvements: Repair sidewalk at corner of Daniels St. & River St.

Ms. Caron suggested clearing vegetation on sidewalks underneath the nearby R/R underpass, make it easier for pedestrians.

It was noted that although the Police Department has noted tacit approval of the project, their formal comments were not submitted for this hearing. Given that this is a dispensary on a busy rotary, their opinion was needed before making a final decision.

Mr. Fontaine noted that a vinyl fence would be preferred in the rear of the building. They noted a chain-link was preferred by the Police Department for security reason. It was also noted that plan shows rest room in lobby? Public restroom on site would not be preferable, given the use. However, if so, customers should be required to leave their purchases at front desk before entering rest rooms. Q: Is a restroom open to the public even req'd by Bldg. Code? Applicant should check with the Building Department.

Public comments:

Dorothy Rouleau, Star Storage, 320 River St. - Wanted more information about project.

Kathleen Dufour, 356 River St. - Traffic at Cleghorn Rotary is getting worse. Timing of signals on all approaches need to be looked at.

Motion made and seconded to continue the hearing to the October 8<sup>th</sup> meeting..

Special Permit & Site Plan Review- Cannaburg Cultivation Cooperative, LLC, 310 Broad St., Cultivation of Adult-Use Marijuana

Hearing opened. Rob Bujold, applicant & property owner and Sean Morrison present.

Applicant proposes a coöp grow facility (max. grow canopy 10,000 sq. ft.) on a portion of the 2<sup>nd</sup> floor of 310 Broad St. Building footprint takes up entire lot; there is no room for off-street parking.

Rob unsure if current business (Westminster Millworks) will stay in bldg. No other tenants will be in bldg. All windows will be re-done. New man door will be installed on first floor. There is another access out the rear of the bldg. Board reviewed interior layout.

Applicant noted that the building was going to be renovated with historic tax credits, and so would follow historic preservation standards.

Board comments: Strongly suggest changing name instead of "Cannaburg". Show elevations of all sides of building, show screened dumpster location (if any), show access behind bldg., show security camera locations, and show how security plan works with having multiple tenants in the bldg.

Inside trash receptacle, no outside dumpster.

Dept. comments reviewed.

Public Comment:

Nick Squailia, 315 Broad St. across the street. Willing to lease Rob as many space as needed

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve Special Permit with conditions

- If interior layout is modified, subject to Planning Board review & approval.
- Upper floors to remain vacant. Any future tenants subject to Planning Board review & approval.
- Subject to addressing Dept. review comments.
- Repair windows in entire building.
- Provide written lease for use of parking spaces across street at 315 Broad St.
- Subject to Planning Board review & approval of the applicant's Standard Operating Procedures for the cultivation facility.
- Subject to City Council approval of Host Community Agreement.

Vote 7-0 in favor.

**OTHER BUSINESS**

(Informal) proposed residential PUD, Fifth Mass Tpk., Seney

Steve Seney in with conceptual plan showing two duplex condominium units on a 6.6 ac. U-shaped parcel on the south side of Fifth Mass. Tpk. near Oak Hill Rd. Area is in Ltd. Industrial zoning district, but is almost entirely residential. With pending zoning revisions in the near future it could be re-zoned to Residential. Wet areas on either side of parcel, upland section in the middle.

As an alternative to the PUD, if rezoned into RR, could be split into two single house lots or a Flexible Development.

Board agreed: If Steve chooses PUD route, consider eliminating the parking lot on conceptual plan, make units look "nice".

City Council petition - accept portion of Tibbett Circle

This is the last (easterly) section of Tibbett Circle (from Eleanor St. to Eleanor St.) that was finished years ago. A petition to accept this portion had never been submitted until now.

Motion made & seconded to recommend in favor of its acceptance as a Public Way. Vote in favor.

Meeting Minutes

Minutes of the June 11<sup>th</sup>, Aug. 13<sup>th</sup> & Aug. 23<sup>rd</sup> meetings were approved w/ some corrections.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 10:15 p.m. ●

Next meeting: October 8, 2019