

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, AUGUST 13, 2019**

MEMBERS PRESENT: Paul Fontaine, Jr., Vice-Chair Peter Capodagli
Mike Hurley Laura O’Kane
Andy Van Hazinga Amanda Koeck (Associate member)
STAFF: Mike O’Hara, Tom Skwierawski

Call to Order

Meeting called to order at 6:00 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

ANR PLANS

Moran, 62 & 76 Hazel St.

Existing parcel has two dwellings. Plan shows splitting parcel into two conforming lots (min. 10,000 sq. ft. in Residence B district). The Board endorsed the plan.

MINOR SITE PLAN REVIEW

None.

PUBLIC HEARINGS

Special Permit & Site Plan Review - Mehmud, 62 Fox St., convert mixed-use into a 2-family dwelling
(This item had been postponed from last month since applicant not present.)

Hearing opened. Mr. Mehmud present. He has purchased 62 Fox St. and is seeking to convert the first floor of a two-story building into a residential unit. The first floor had previously been a dental office but has been vacant for several years. Another dwelling unit is on the 2nd floor. There is sufficient off-street parking for the two dwelling units.

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

Motion made & seconded to Approve Special Permit with conditions. Vote 6-0 in favor.

Site Plan Review - NBE Fitchburg Solar, solar array, Ashburnham St. (postponed from 7/9/19)

Present: Jared Alvord, Mad River Solar, Tim Coon, P.E.

Peer review of applicant’s stormwater management plan has been completed by Tighe & Bond.

Modifications to plan:

- Buffer to abutting properties increased to 125 feet.
- Fencing at perimeter of project will have privacy slats.
- Construction sequence modified. Sedimentation basins will be in place prior to tree cutting.
- More detail has been provided on vegetated swale.
- Excess land still being considered to be donated to No. County Land Trust. No formal agreement as yet.

The Conservation Commission had issued an Order of Conditions at last week’s meeting.

Public comment:

Chad Lefevre, 680 Ashburnham St. – Timing? Jared: Site work probably not starting until Spring 2020.

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

Motion made (Mr. Van Hazinga) & seconded (Mr. Capodagli) to Approve Site Plan with conditions:

- Site Reclamation Bond
- Standard conditions that have been used for other approved solar arrays.
- Incorporate Conservation Commission’s OOC conditions.

Vote 5-0 in favor.

Special Permit Modification & Site Plan Review - Mass. Patient Foundation, 99 Development Dr. Modification of bldgs. & expansion to produce Adult Use Cannabis

Note: Mass. Patient Foundation is doing business as "Apothca"

Hearing opened. Joe Lekach & Richard Philbrick, Apothca present.

Apothca is requesting some clarification on the Planning Board's Special Permit decision as to which buildings in they are allowed to operate in. They are currently in Bldgs. 1, 10, 14 & 23 (including the greenhouse additions). Total growth canopy: 26,000 sq. ft. (Tier II: 30,000 40,000 sq. ft.).

No expansion of grow canopy is being planned. No expansion to other buildings on Fitchburg portion of the site are contemplated. They are planning to expand to one building on the Westminster side of the town line and are currently in discussion w/ Westminster Planning Board. Their retail locations are in Arlington, Jamaica Plain & Lynn. Fitchburg is their only grow facility.

Richard showed the Board photos of interior of site with some cleaning up of vegetation.

Board: How about cutting down overgrown vegetation outside the chain link fence?

Apothca would rather leave that there for screening.

Fitchburg Fire Prevention is OK with conditions on the site.

Public comment:

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

Motion made (Mr. Hurley) & seconded (Mr. Van Hazinga) to Approve Modification of Special Permit. Vote 5-0 in favor.

Special Permit & Site Plan Review - Donell, 4-unit PUD, Old Princeton Rd.

Hearing opened. Jamie Rheault, Whitman & Bingham representing Bob Donell present.

The applicant is getting ready to dispose of the properties that he has in Fitchburg. The parcel was originally permitted as an 8-unit PUD in 2006, and then sold to Bob Donell. No development had ever started and the Special Permit and Order of Conditions have long since lapsed. Two townhouse-style duplexes are proposed, each two stories, 2-BRs w/ 2-car garage. Each unit approx. 1,400 sq. ft. It will be a condominium type of ownership.

Comments from Water, Wastewater & DPW-Engineering reviewed. Jamie will be meeting those Depts. on site to discuss and resolve.

Public comment:

Mr. & Mrs. Wisler, 470 Old Princeton Rd. had questions about where propose development is relative to their property. They abut the westerly side Old Princeton Rd.; this parcel is on the easterly (Saw Mill Pond) side.

Board comments:

Condition requiring possible off-site road improvements, or monetary contributions for same?

Jamie: Applicant not willing to make such a contribution since it's such a small-scale development.

Suggestion: Show on site plan the percentage of open space to be undisturbed.

Motion made & seconded to continue hearing to next month. Vote in favor.

Ms. O'Kane left the meeting before the next item due to a potential conflict of interest.

Rindge Road mobile home park

Jamie also wanted to briefly inform the Board that he has been in touch with Joanne Hamberg and that they would attend the September meeting to give the Board an update on the status of this project. It was started over ten years ago and there's no sign of it being completed.

Ms. O'Kane returned to the meeting.

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.

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

Hearing opened. Marc gave a brief history of the B.F. Brown project.

Steve: Project now will have 62 total units. 1 Studio, 28 1-BR, 26 2-BR, 7 3-BR units.

Janice showed aerial view of site & floor plans and walked thru the plans with the Board.

Dumpsters? There will be one at B.F. & one at the Annex. They will be screened by a white vinyl fence.

Jim Devellis reviewed site plan. Main access to site is from Elm St. There is sufficient room around the buildings for fire apparatus. Stormwater management: Underground water quality units will be installed as part of stormwater management plan. Vehicular access from High St. too narrow for emergency vehicles, so will not be used. There will be an accessible walkway from High Street to the main entrance of BF Brown.

Parking: 93 spaces provided for F.A.C. (= 1.5 spaces per unit). 16 spaces are designated for Lowe Park users.

Departmental comments reviewed.

Public Comment: None.

Board comments: Could there be public art in the site's landscaping? That could be considered in the programming for the F.A.C. but they would need to check w/ Mass. Historic. MHC may want them to keep the historical appearance of the school.

Does NewVue plan on keeping the name "FAC"? Marc: More discussion on that TBD.

Board had some questions about definitions of "creative economy" and "Artist Preference" as used in the Ch 40R zoning amendment.

Pointed out that sidewalks and crosswalks in the area on Elm, Academy, High Streets should be examined to see if repairs needed.

Status w/ Parks Board re: Lowe Park? Marc: No Parks Board meeting in August; they're on their Sept. 3rd agenda. They still need to go thru the Article 97 conversion process.

Discussion on application fee. If using the "multifamily" fee per unit in the Board's Fee Schedule, the fee would be tens of thousands of dollars. Since NewVue is a non-profit, it was suggested that the normal Special Permit fee of \$300 apply.

Motion made (Ms. O'Kane) & seconded (Mr. Capodagli) to reduce application fee to \$300. Vote in favor.

The earliest construction would start in Summer 2020.

Board members present confirmed that if this item were continued they would be able to attend the Sept. 10th meeting. Motion made (Ms. O'Kane) & seconded (Mr. Capodagli) to continue hearing to Sept. 10. Vote in favor.

Mr. Van Hazinga returned to the meeting.

OTHER BUSINESS

Cannabis retail facility - 326 River St. (former Cumberland Farms)

Chuck Miller present to submit full application pkg. for the September meeting and briefly explain plan.

They are not making major changes to the former Cumberland's site. Using previous main entrance, will have a new garage door on the side to the building for delivery of product. 20 parking spaces on site.

Board comments: Show elevations of all sides of building, show screened dumpster location (if any), show access behind, show security camera locations.

310 Broad St. (Westminster Millworks)

Sean Morrison & Rob Bujold in to informally discuss a Coöp grow facility (max. Grow Canopy 10,000 sq. ft.) on a portion of the 2nd floor of the Westminster Millworks building at 310 Broad St. No visible changes from the outside, although they will need to add another entrance on Broad St. Building footprint takes up entire lot; there is no room for off-street parking.

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

OPCO Labs, 704 River St. - possible expansion

Matt Fournier present to discuss planned conversion of empty barn at the rear of OPCO Labs's property closer to the Nasha R. into additional sq. ft. of finished space. After some discussion, it was determined that the proposal won't exceed the threshold to require a Site Plan Review.

The Board thanked Matt for bringing it to their attention & suggested just submitting an as-built plan once the work has been completed.

860 & 885 Fisher Rd. Solar Arrays: Decommissioning Plan and Surety Agreements

This combined large-scale solar project is wrapping up their submittals for getting the required tax credits and approval from Unitil. The Decommissioning Plan and Bond (required as a condition of the Site Plan Approval) is one of the last items to take care of.

Motion made & seconded to approve the decommissioning agreement and solar array removal bond in an amount deemed satisfactory DPW-Engineering. Vote in favor.

"Medical Uses" amendment

Tom & the City Solicitor had discussed this issue again and had come up with a simpler option - - To amend the definition of "hospital" to include counseling or "uses that dispense controlled substances" and allow by right only in the Medical Services district and by Special Permit (ZBA) in all other districts. The Bldg. Commissioner is comfortable with that.

The City Solicitor's opinion is that such a change doesn't need to be submitted back to the Planning Board for another hearing since the hearing had already been closed and a recommendation was made. The proposed language is not beyond the scope of the original petition.

Motion made & seconded to recommend in favor of that language. Vote: majority in favor.

Meeting Minutes

Minutes of June 11th meeting approved w/ some corrections.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 9:12 p.m.

Next meeting: September 10, 2019

Minutes approved: September 10, 2019