

**FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, NOVEMBER 13, 2018**

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

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

**Call to Order**

Meeting called to order at 6:04 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

**ANR PLANS**

Willard/Hachey, Pearl Hill Rd.

Jim Gaffney, Gaffney Land Surveying presented plan. A 13,452 sq. ft. parcel “A” is to be split from a 45 acre lot owned by Willard with frontage on Fisher Rd. and conveyed to the Hachey lot at 385 Pearl Hill Rd. The Board endorsed the plan.

Weeks, Apple Tree Hill

An 8,535 sq. ft. pie-shaped Parcel “B” is to be split off from a much larger 33 Apple Tree Realty Trust parcel and conveyed to the adjacent house lot at 17 Apple Tree Hill. The remainder of the 33 Apple Tree R.T. parcel has more than eight acres. The Board endorsed the plan.

*(Note: The preliminary subdivision plan discussed at the last Planning Board meeting concerned another portion of the 33 Apple Tree Hill parcel.)*

**MINOR SITE PLAN REVIEW**

203 Water St. (corner Nashua St.) - parking area for mixed-use building at 196 Water St.

Kent Oldfield, engineer on project presented plan. Property owner not present.  
Kent showed details on guardrail needed & the stormwater connection to catchbasin in Water St.  
Kent was reminded of request to remove rubbish & debris at 196 Water St. site in the interim.

Motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to Approve Minor Site Plan, subject to conditions:

- Approval of drainage by DPW
- Reset retaining wall if any stones are out of alignment.
- No construction to start until Spring 2019.
- Trash removed from this site and around building at 196 Water St.

Vote 5-0 in favor.

960 South St., professional office bldg., Moses - modifications (continued from 10/9/18)

Steve Moses and Jamie Rheault, Whitman & Bingham present. Jamie will be doing an As-Built survey of the site. He acknowledged that there were several things at the site that are not in conformance with the approved site plan. They plan to come back to the Board next month with proposed modifications to the plan.

Among the concerns raised by the Board: Landscaping not per approved plan, parking spaces in front of building not per approved plan, no berms installed in parking lot, 2x6s used to hold up landscaped area on Rockland Ave. unacceptable, roof drain discharging onto the street, 3-foot parking setback not met – this requirement is not waivable, cannot create parking spaces within the right-of way, dumpster location?, fence near abutter not installed, buffer adjacent to residential use.

They will have the vinyl fence adjacent to the abutter on Rockwell St. installed prior to the next meeting.

In order to avoid constructive grant of site plan approval due to time, motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to Deny the proposed modified site plan (in color) submitted by Mr. Moses.  
Vote in favor.

Jamie will be submitting a revised plan for the next meeting.

Request for extension of Site Plan Approval, NH Solar Garden - Solar Array, Fisher Rd.

Jamie also requested a one-year extension on the Site Plan Approval granted last year by the Board for a proposed 3.5 MW solar array on a 30-acre parcel on the north side of Fisher Rd. on property owned by Matt Fournier. The effective date of the Site Plan Approval: 1/8/2018.

Standard condition: Must start work within one year. No work started yet; approval will lapse on 1/8/2019 unless extended. They expect the project to be started within a year from now.

Motion made & seconded to grant a one-year extension from when the one year period would expire. Vote in favor.

**PUBLIC HEARINGS**

Special Permit, Patel, 767 River St., convert 1st floor store into apartment (cont'd from 10/9/18)

Hearing re-opened. Applicant has been contacted by voicemail & email informing him that sprinklers will be required by Bldg. & Fire Codes, and that there may well be other interior modifications needed because of the proposed change of use that will increase cost & that he may want to reconsider request due to the cost. Asst. City Solicitor has advised that Board should not grant leave to withdraw without applicant's permission.

Board discussion: Applicant has had several months to provide a viable plan to address the parking issues discussed, but has not been able to provide anything in writing regarding his potential parking arrangement. Parking on sidewalk in front of building is a problem now.

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

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to Deny the Special Permit based on lack of adequate off-street parking for the requested use. Vote 6-0 to Deny.

Even if application is denied, if the applicant was able to secure off-site parking with a written agreement, he could re-apply without having to wait two years for a "repetitive petition" because the Board could find that the addition of parking is a "substantial change".

Special Permit & Site Plan Review - Blue Collar Botany, Cultivation/processing of Adult-Use Marijuana, 644 River St.

Hearing opened. Hal Melanson presented plan to use a portion of this former mill building into cultivation/processing of Adult use Marijuana. Parcel is a 2.6 acre site. Will use approx. 9,500 sq. ft. of building, grow canopy: 4,600 sq. ft. Will not have retail sales there; they are looking at working with other retailers, probably on the South Shore.

Parking: 12 spaces req'd for use, 61 spaces on site. Q: Will it conflict with other users? Existing tenants are vacating soon. Other portions of bldg. are vacant storage. Expects to have 7 employees, may expand to 12 with full build-out. Applicant committed to keeping windows as-is or better.

No site work needed other than minor modifications to bldg. & striping parking spaces. Loading area will be at rear of building in a fenced-in area 6-ft high. Outside lighting discussed.

Public comment:

Atty. Tree, Asst. City Solicitor: Host Community Agreement not yet signed but they have agreement on terms. HCA will be on City Council's next agenda. Applicant will pay City 1.25% of retail sales, donate \$10K/year to community relations board. Mayor & Law Dept. supports project.

Joel Kaddy: Is the closest neighbor, has no objections.

Comments from Departments:

Capt. LeMay, Fitchburg P.D. No issues with security plan, no traffic issue but might like to revisit in the future if retail is pursued there.

Fire Prevention: Glad to see that Alcohol (not butane) used in extraction.

Water: Approved as submitted.

Wastewater: Seeking additional inflow data needed (Q: will it be more than current use?)

Q: Application to CCC? Status pending, just started the process; will conduct compliance work in the meantime.

Board discussed waiver of 300-foot buffer requirement from residential uses & church. Closest residential property is 100-feet away, but it was noted that some properties across street are separated by granite wall, chain link fence, River St. & sidewalk, and some are at a higher elevation. Board determined site has adequate security & buffers to justify a reduction of 300-foot buffer.

Paul Beauchemin: How will odor be handled? All rooms with product will have air scrubbers.

Q: Are we moving too fast w/ # of cannabis applications?

Board: There's no cap on # of grow facilities. If such a cap is sought, the Ordinance could be amended. Board looks at the suitability of the site & whether criteria in Ordinance are met.

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

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to Approve Special Permit with conditions:

- Keep exterior appearance of mill windows
- Any signs other than an address sign subject to review & approval by Planning Board.
- Upgraded fencing on site - cedar clapboard, maintained from peeling and fading
- Final approval of Host Community Agreement
- Final approval by CCC
- Background checks submitted
- Address Departmental comments (for ex. Wastewater)
- Standard conditions in other Marijuana special permits.

Vote 6-0 in favor.

Start of construction? Hal: No earlier than March 2019.

Special Permit & Site Plan Review - Colonial Cannabis, 141-143 Water St., Retail sale of Adult-Use Marijuana (cont'd from 10/9/18)

Hearing re-opened. Jack Carney had provided Board with supplemental materials & briefly presented them on screen.

There will be a vestibule entrance with security. Customers will wait in queue & wait for employee to check IDs. They will only allow 20-25 people inside store at any one time. If waiting line extends outside, additional security will be provided.

Parking: 49 parking spaces provided on site, 34 spaces for the ME. Looks like in/out can be accommodated, per traffic study submitted.

Capt. LeMay, P.D: Since this will be one of first retail sites in North Worcester County, traffic impacts are somewhat of an unknown.

Jack: There will be no grand opening celebration. He expects peak times will be >5:00 p.m. on Fridays. Hours expected to be M-Th 10-8, Fri.-Sat. 10-10. Front windows will be fogged 6-7 feet up, then clear. They will use GFA to service ATM & to handle debit/credit transactions at retail facility.

Board: You need to expect an additional rush, given vagaries of the market; need for police detail, need for crosswalk. Hours listed need to be set, can come to Board for future changes. No smoking and vaping policy and signage. Take steps to prevent on-site of nearby consumption as well.

Colonial more than willing to provide security at the outset.

Applicant has not yet submitted applicant to Cannabis Commission. They are awaiting Council approval of Host Community Agreement - 2% of retail sales with \$10K annually to community relations board.

Waivers of 300-foot buffer requested, but exact distances not outlined in plan.

Will need to submit notarized moral character forms, including included character attestations and i.i.i. checks. Tax compliance certificate needed.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to close hearing. Vote in favor.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to Approve Special Permit subject to conditions  
Vote 6-0 in favor.

Special Permit & Site Plan Review – The Caregiver-Patient Connection, Retail sales of Adult-Use Marijuana, 373 Lunenburg St.

Hearing opened. Dean landoli, Catherine Trifilo, Mike Staiti & Atty. Carol Vittorioso present  
Their Adult Use cultivation/processing facility in Barre (10,000 sq. ft.) is expected to be approved by CCC in a month. Hours of proposed retail facility: 11:00 a.m. - 9:00 p.m., 7 days per week.  
Est. 4-6 employees; 1,270 sq. ft. floor space. Maximum 12-15 customers per hour; 21 people max. capacity by building code. Only Adult Use sales not medical. They will not be selling to < 21 with medical card.

They anticipate a 2-3 month lag without product before they are producing their own in Barre. They have agreement from wholesale cultivator to provide initial product in the interim. Intend to work with GFA Credit Union for debit purchases. HCA terms agreed on, sent to City Council - - 3% of retail sales, 5 yr. contract. \$10K/year to Community Relations Board. Site plan & floor plain explained.

Discussion on how to mitigate rush upon opening. They plan to provide valet parking & more attendants, if necessary. If there's a crush of customers, they will prevent incoming traffic with signage & traffic cones. Andrew McClurg presented traffic study. Peak p.m. hour: 19/20 vehicles in/out. Traffic estimates are conservative b/c not subtracting the trips to the former beauty salon.

Lots of questions on proposed valet parking. Capt. Lemay: Must anticipate complications, will need P.D. details. Depends on the volume of business, lots of unknowns.

Dean: If too much traffic to site they will temporarily close.

Lease spaces across the street as a back-up plan? Dean confident that can make the site work.

Ron L'Ecuyer presented security plan. Their security plan will be tied into Fitchburg P.D.

Some of Board's concerns: Is Fire OK with 10-foot aisle width? Address concerns re: valet parking, show physically how that will work & not hinder Godfrey's customers next door. Agreed: provide demonstration of marked spaces on site prior to next meeting.

**Public comment:**

Mark Gionet, Franklin Rd. - Supports retail sales but doesn't think this is the right location. The expected business is being downplayed. Valet parking & restricting access lessens the revenue to the City.

Sonya Robinson, 351-353 Lunenburg St. - concerned w/ effect on her neighbors, 2A already has speeding, no pedestrian access, customers pull into her driveway & walk across her property?

Godfrey's owner: Concerned about effect on his business.

Board suggested restrict walk-up customers?

Agreed: Provide demonstration of marked spaces on site prior to next meeting, date TBD.

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

**OTHER BUSINESS**

Special Permit #2010-6, Community Health Connections, improvements to Drepanos Drive

No one present for this item. Continued to a later meeting - - no road work will be done until spring 2019 anyway.

Extension of Special Permit, Gionet, 579 South St. PUD

Mark Gionet present. Per Special Permit condition & Ch. 40A, construction or "substantial use" needs to start within two years of effective date of special permit, or by 12/15/18. Mark is requesting a one-year extension. Funds are in place to hire architect, get plans done, apply for building permit. Per Law Dept. the Board could hold an advertised hearing on whether to issue extension, but is not required. Written decision needs to be filed, though, with 20-day appeal period.

Motion made & seconded to grant one-year extension - to 12/15/2019 - to start on project. Vote in favor.

Abutters need to be notified of filed decision.

Informal - potential future applications:

- 310 Broad St. - Cannabis cultivation.

Rob Bujold of Westminster Millworks present. Total building area: 56,000 sq. ft. Proposes to convert 14,000 sq. ft. on 2<sup>nd</sup> floor into a small, coöp. grower, 4,000 sq. ft. total grow canopy. Building is outside of 300-foot buffer to Crocker Field, but perhaps within 200-feet of the Horizon Church parcel. Rob will pursue Special Permit.

- Fairway Homes, Arn-How Farm Road.

94 unit detached condo development, approved in 2005, approval long since lapsed. David King present, he's listing property. Inquiring about possible re-application of expired Special Permit. Issues are the same - - address adequate water & sewer capacity. Look at something smaller than 94 units.

- 50 Frankfort St. (David King)

Vacant industrial bldg. - conversion to 10-12 residential units? Is in Residential district, would need variance on density. Board not optimistic about project.

Minutes

Action deferred due to the lateness of the hour.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 11:19 p.m. (!)

Next meeting: December 11, 2018

Minutes approved: December 11, 2018