

Meeting Minutes of the
Economic Development Committee of the Fitchburg City Council
for
Tuesday, May 2, 2022

Chairperson Van Hazinga called the meeting to order at approximately 6:02 p.m. in Fitchburg City Hall at 718 Main Street, Fitchburg, MA.

Members Present:

Councilor Andrew Van Hazinga, *chair*
Councilor Marcus DiNatale
Councilor Bernard Schultz

Others Present:

Tom Skwierawski, *Executive Director of Planning & Community Development*
Mary Jo Bohart, *Economic Development Director*

Public Comment:

None

Agenda Items:

009-22. The Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by making several corrections & clarifications, as described in the enclosed Petition.

Link to proposed changes:

<https://www.fitchburgma.gov/DocumentCenter/View/9377/Memo-re-Jan2022-ZO-minor-amendments-010422>

[Planning Board Recommendations and Draft Minutes](#)

Mr. Skwierawski explained that this process began with the need to incorporate zoning changes to comply with a Federal Environmental Management Agency (FEMA) audit associated with its flood insurance program. As the process for making zoning changes takes some work, it was decided to incorporate some additional changes to correct problems that had been identified following the zoning overhaul completed last year.

He noted that input on the proposed changes was provided by the Planning Board at their meeting on March 14, 2022. Following this meeting, the Community Development Department revised the proposed zoning changes using this input and presented them to the Legislative Affairs Committee on March 30, 2022. Then the Planning Board considered the original proposed changes again at their meeting on April 26, 2022, but did not discuss the revised changes approved by the Legislative Affairs Committee.

The Committee went through the proposed changes individually and discussed the most recent Planning Board recommendations as well as the changes approved by the Legislative Affairs Committee. As these were the same for most of the proposed changes, these amendments were considered first.

•**Amendment #2:** Mr. Skwierawski stated that this item, involving **181.336**, was a typographical correction, and both the Planning Board and Legislative Affairs supported this change.

Vote: Councilor Marcus DiNatale moved to recommend approval of Amendment #2 as proposed. Councilor Bernard Schultz seconded the motion, and it passed by unanimous consent.

•**Amendment #3:** Mr. Skwierawski explained that this item, involving **181.3362(b)iii**, clarifies parking requirements in cases of abandonment or non-use, and both the Planning Board and Legislative Affairs supported this change.

Vote: Councilor DiNatale moved to recommend approval of Amendment #3 as proposed. Councilor Schultz seconded the motion, and it passed by unanimous consent.

•**Amendment #4:** Mr. Skwierawski said that this change involving **181.3366** also addressed abandonment or non-use. Specifically, criteria had been proposed for use by the ZBA in making a determination, but the revision would strike paragraph (e) as criteria, and instead include it as a consideration of the board. Similarly, paragraph (d) would be removed for the same reason and included below what was formerly paragraph (e). Councilor DiNatale noted this would be for properties not in use for 2+ years. Chair Van Hazinga explained that the change would clarify the formatting of this section, but not have a meaningful change in its intent. Both the Planning Board and Legislative Affairs supported this change.

Vote: Councilor DiNatale moved to recommend approval of Amendment #4. Councilor Schultz seconded the motion, and it passes by unanimous consent.

•**Amendment #5:** Mr. Skwierawski stated that this change addressed methods for calculating dimensional requirements **181.4123**, lot width. He explained that it involved adding a comma, for clarity, which was supported by both Planning Board and Legislative Affairs.

Vote: Councilor DiNatale moved to recommend approval of Amendment #5. Councilor Schultz seconded the motion, which passes by unanimous consent.

•**Amendment #6:** Mr. Skwierawski said this change was a typographical correction involving earth removal language in 181.6822 & 181.6923. It had been intended that all approvals for this use be moved from the ZBA to the Planning Board, but this reference was missed. He noted that both Planning Board and Legislative Affairs recommended approval.

Vote: Councilor DiNatale moved to recommend approval of Amendment #6. Councilor Schultz seconded the motion, which passed by unanimous consent.

•**Amendment #8:** Mr. Skwierawski explained that this item involved 4 School Street property at

the corner of School and Main Sts. where the parcel was split between two zoning designations, Downtown Business (DB) and Residence B (RB). Based upon the property's frontage on Main St., its orientation aligned more with DB, leading to a Zoning Map amendment proposal to add 4 School St. to the DB district. This change was supported by both the Planning Board and Legislative Affairs.

Vote: Councilor DiNatale moved to recommend approval of Amendment #8. Councilor Schultz seconded the motion, which passed by unanimous consent.

•**Amendment #9:** Mr. Skwierawski stated that FEMA required a change to 181.85 “Floodplain Protection Overlay District (FPOD)” involving deletion in its entirety and replacing with the district as drawn in original petition. He noted that the change was supported by both Planning Board and Legislative Affairs.

Vote: Councilor Schultz moved to recommend approval of Amendment #9. Councilor DiNatale seconded the motion, which passed by unanimous consent.

•**Amendment #1** [*181.313 Table of Principal Uses Footnote 1–Residential Uses by Right on Main St.*] & **Amendment #7** [*Multi-Family Development Standards 181.743(2)–striking Residential Uses by Right on Main St.*]: Mr. Skwierawski stated that the remaining two items, Amendments #1 and #7, are linked in that both relate to residential uses by right on Main Street. He reminded the committee that *By Right* means that a use is allowed. In contrast, *By Special Permit* has as its assumption that a use is not allowed without special consideration.

He explained that these amendments, in their original form, strived to provide clarity for the development community regarding what uses are allowed. The changes in last year's zoning overhaul had unintentionally made multi-family development on Main St allowed *By Right* subject to Special Permit due to an unrealistic density restriction for this area.

Chair Van Hazinga mentioned that an initial solution suggested by the Planning Board was to use a zoning overlay for this section of Main Street as a way to clearly identify multi-family use as allowable *By Right* on Main St. This would replace a footnote to the use table identifying multi-family uses on Main St as allowed *By Right*.

However, the City has tried to eliminate the use of overlay districts in the zoning ordinance. Community Development used the Planning Board's input to revise the proposed amendment to include a new zoning district along Main St within the DB district that would allow multi-family development of six or fewer units *By Right*. This would replace the footnote that was previously used to denote that this use was allowed and would also include corresponding changes throughout the zoning ordinance. This proposed change was recommended for approval by the Legislative Affairs Committee with the new subset of the DB district renamed the In Town district or something similar.

The Committee discussed the advantages of incorporating a new zoning district as a method of allowing small-scale multi-development on Main Street *By Right*. Footnotes are not always readily apparent to the reader or clear in their intent. The City went to great length to encourage multi-family development on Main St and make this as clear and simple as possible. Therefore, the

Committee consensus was to recommend approval of the proposed amendments adopted by Legislative Affairs.

However, the amendments approved by the Legislative Affairs Committee also include the ability of the Planning Board to waive density requirements for developments between six and nine units. Mr. Skwierawski noted that in 181.743, there is already a provision for waiver of parking requirements for Main Street properties. Therefore, this proposed amendment is not needed and was recommended to *not* be included by the Committee.

Note: Councilor DiNatale moved to recommend approval of Amendments #1 and 7, as previously approved by Legislative Affairs, with the exception of the section granting the Planning Board the ability to waive density requirements for developments of less than nine units. Councilor Schultz seconded the motion, which passed by unanimous consent.

Adjournment

Councilor DiNatale moved to adjourn the meeting and Councilor Schultz seconded the motion, which passed by unanimous consent.

The Economic Development Committee of the City Council adjourned at 6:37 pm.

Minutes prepared by Ms. Bohart & reviewed by Chair Van Hazinga