



Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to consider this request a Minor Modification of the Special Permit, thus not requiring a public hearing.

Roll call vote: Butland: Yes, Capodagli: Yes, Caron: Yes, Fontaine: Yes Koeck: Yes, Lopez: Yes, O'Kane: Yes. Vote 7-0 in favor.

Motion made (Mr. Fontaine) & seconded (Ms. O'Kane) to Approve the requested Minor Modification subject to:

- Phase I improvements shall include installation of sidewalk & landscaping immediately in front of the 431 Westminster St. building by August 31, 2021.
- All offsite improvements to be completed by June 30, 2022.

Roll call vote: Butland: Yes, Capodagli: Yes, Caron: Yes Fontaine: Yes Koeck: Yes, Lopez: Yes, O'Kane: Yes. Vote 7-0 in favor.

## **PUBLIC HEARINGS**

None.

## **OTHER BUSINESS**

### Update: Game On - Request opening 3 playing fields (cont'd)

Present: Atty Tom Bovenzi, Steve Marsden. Atty. Marsden gave the Board an update of work that has taken place since the June 16<sup>th</sup> meeting & reviewed the status of the outstanding conditions on list he had provided the Board at that meeting: Sound barriers have been installed, street signs have been installed. Paving up to access fields 5, 6 & 7 completed. They are having a P.E. certify the as-built condition of the three fields. Rock crushing was to have been completed by July 10, but that may be extended by a week due to the holiday.

They understand that neighbors at 176 Victoria Lane do not want a vinyl fence to screen their yard. Also they are aware that the neighborhood does not want the temporary barriers at the easterly end of Victoria Lane & Game On Way, so they will not be installed. Rock crushing was to be done by July 10 but that may need to be extended because of the holiday week.

Board: By next meeting, July 14, Game On could expect to give a further update & make a request to open the three fields.

Mr. Fontaine noted that the first "Game On" sign you come to on Industrial Rd. is actually prior to the driveway for Specialty Products @ 223 Industrial Rd. & may cause confusion. They will look into that.

Public comment:

Cassandra Cushing, Victoria Lane: "No Parking" signs are installed only on one side of street, should they be on both sides? It will be looked into.

John Savone, 177 Victoria Lane emphasized that Mr. DeJesus, 176 Victoria does not want a vinyl fence & has forwarded an email from the resident to Tom.

The Board agreed to re-visit the issue at their next meeting.

### Scheduling future public hearings

The July 14<sup>th</sup> agenda will include:

- Site Plan Review - Self-Storage Facility, 34 Kimball Pl.
- Scenic Road Act - Williams Rd. Lot 13, partial removal of stone wall for driveway
- Special Permit - 223 Lunenburg St., Retail sales of Adult-Use Cannabis
- Special Permit - 226 Westminster Corp., Retail sales of Adult-Use Cannabis
- Special Permit - 50 Whalon St., Retail sales of Adult-Use Cannabis

Board: Make sure Fitchburg P.D has weighed in on all of the Cannabis applicant.  
228 Lunenburg St. should look at access and parking for the different uses on that shared site.

Due to vacation schedules, the August meeting is bumped up a week to Tuesday, August 4<sup>th</sup>

Zoning Ordinance update

Tom Skwierawski gave a moving update on Phase II of the Zoning revisions. A proposed Adaptive Use district is proposed to replace the Mill Conversion Overlay District and include some other vacant sites. A new Light Industrial Mixed Use district replaces the few Limited Industrial zoned-parcels. There will also be a Large-Scale Solar Array section and new entries in the Table of Uses for small scale artisanal manufacturing and brewing/distilling with sq. ft. thresholds on whether permitted by right or by special permit.

The next meeting of the Zoning Advisory Group is July 22. He has been holding weekly "office hours" where members of the group can call in and discuss aspects of the proposed changes.

**MINUTES**

None available.

Motion made & seconded to adjourn. Vote in favor.  
Meeting adjourned 7:04 p.m.  
Next meeting: Tuesday, July 14, 2020.

Attachments>

- Apical's 2 pp. request for modification

June 26, 2020

Dear Mr. O'Hara:

With regard to the Special Permit #2020 - 2 and Site Plan Approval, we respectfully request that the applicable conditions established by the Fitchburg Planning Board be bifurcated into two separate and distinct phases of development.

As per the Application material originally submitted, Apical intends to build out the site in a phased approach. The first phase of development would involve the interior buildout of 54,077 sf of the building's 204,946 total sf ("Phase 1"). The second phase of would involve the interior buildout of an additional 32,312 sf ("Phase 2"). The approval of the Special Permit and Site Plan is condition requires Apical to satisfy several conditions – some of which are conditions to the issuance of the Certificate of Occupancy and therefore commencement of operations. Several of the conditions, however, are related to improvements that will only become necessary in order to support the higher employee headcount that will result from completion of Phase 2 development.

Completion of Phase 1 will only require staffing of up to 35 employees per shift, and the number of parking spaces currently available at 431 Westminster Street is more than adequate to accommodate that projected staff count. The development of 0 Westminster street for additional parking will only be required to support increased staff levels once Phase 2 is complete. Therefore, in an effort to preserve our limited capital resources – particularly during the current COVID crisis – we respectfully request that the following conditions be deferred until we undertake Phase 2. This will allow us to focus our resources and energies on getting Phase 1 completed as quickly as possible, commencing operations, hiring employees and generating revenue.

10. Parking lot at the O Westminster St. (Westminster Pond, LLC), including sidewalk and crosswalk improvements shall be complete (pursuant to Site Plan Approval granted to 431 Westminster St., LLC on April 10, 2018) and useable prior to issuance of Certificate of Occupancy for 431 Westminster St.

14. Subject to review and approval by Fitchburg Police Dept. and DPW of the type & location of proposed Pedestrian Crossing signs and signals at crosswalks.

i. Advanced warning signs on Westminster Street with flashing yellow LED lights to warn drivers of the crosswalks. These flashing LED lights shall be timed to coincide with shift changes. These signs shall be operated and maintained by the property owner and/or applicant.

ii. Provide updated site plans to show locations and extents of these improvements, and add details where necessary to demonstrate compliance with City standards.

iii. Submit plan with locations of proposed warning signs and pedestrian-actuated Rectangular Rapid-Flashing Beacon (RRFB) for DPW review & approval.

iv. Applicant to also make improvements to the Pedestrian crossing by the LUK building (545 Westminster St.) to match the pedestrian crossings in front of 431 Westminster St.

33. All exterior improvements, including parking, sidewalks, crosswalks and landscaping etc. shall be completed prior to the issuance of a Certificate of Occupancy.

Again, we are not requesting that the above conditions be waived or removed, only that they be deferred until Phase 2 of the development of the site.

We intend to submit an updated Site Plan that will accurately the proposed Phase 1 and Phase 2 development of the site; however, it is not yet available. In the interim, we have enclosed two pages from the existing Site Plan that provide as sense of our proposal.

- The first page generally reflects our proposed Phase 1, which imply allowing the site to essentially remain in its existing conditions with the addition of security fencing in the Southeast corner of the property, site lighting and parking details not currently reflected.
- The second page reflects the site with all Phase 2 conditions completed.

Finally, we would like to note that Apical has already deployed significant capital and labor to improve the building's general condition and safety systems for purposes of code compliance. These improvements include, but are not limited to, but are not limited to:

- Fire Life Safety:
  - Update of entire building sprinkler system
  - New fire panels connected to 24hr monitoring service
  - Installation of all new wall horns, wall horn strobes, smoke detectors
  - Installation of emergency lighting and exit signs throughout
- Electrical:
  - Disconnection and remediation of all abandoned electrical
- Asbestos abatement:
  - Removal of all Asbestos throughout the building interior
- Sewer:
  - Disconnection of high-pressure pumps that discharge groundwater into the City sewer and replacement with new systems that pump to the river
- Roofing:
  - Replacement and repair of all roofing over the Phase 1 interior buildout

Thank you in advance for your consideration of our request. We are, of course, available to discuss any questions or comments you might have.

Sincerely,

Brian Horrigan

**WHITMAN & BINGHAM**  
 ASSOCIATES  
 REGISTERED ENGINEERS & LAND SURVEYORS  
 100 STATE STREET  
 LEONISTE MA 01945  
 TEL: 978-251-2500  
 FAX: 978-251-4433



OVERALL EXISTING CONDITIONS PLAN  
 FOR  
 431 WESTMINSTER STREET  
 IN  
 FITCHBURG, MASSACHUSETTS  
 PREPARED FOR:  
 APICAL INC.  
 19 WELCO WAY  
 EASTHAMPTON, MASSACHUSETTS  
 01027

NO.	DESCRIPTION	DATE	BY
1	REVISIONS PER CITY REVIEW	03/04/20	WMF
2	REVS PER PLANNING BOARD CONDITIONS	05/13/20	WMF

  

CHECKED BY:	BRM
DATE:	JANUARY 10, 2020
SCALE:	1"=50'
SHEET NUMBER:	E1
OF	OF E1
JOB NUMBER:	
COMPS:	9955
PLAN REF(S):	4-L-978B
FIELD BOOK REF(S):	





**Fitchburg Soccer  
100 Game On Way  
Modification Request to Open Field Nos. 5, 6 & 7  
Timeline for Completion of Outstanding Conditions  
and Construction and Operation Measures**

**RECEIVED**

**JUN 16 2020**

**Community Development  
City of Fitchburg, MA**

**Outstanding Conditions**

- Condition 8 - Exterior improvements
  - o Sound barriers and signage installed by June 26, 2020
  - o Paving for Fields 5, 6 & 7 will be completed by June 26, 2020 and all other paving by August 21, 2020
  - o Install vinyl fence on neighbor's property line by June 30, 2020
  - o Install utilities in road by August 21, 2020
  - o Complete building by October 16, 2020
  
- Conditions 15 (a) through (h) – Traffic Mitigation Measures
  - o All off-site signage and signage pertaining to Fields 5, 6 and 7 installed by June 26, 2020
  - o Directions to complex including those on website completed by June 19, 2020
  - o Eliminate proposed island on the Westminster Hill Road westbound approach to Victoria Land and install “No Right Turn” sign at this location by June 26, 2020
  - o Complete all other mitigation measures by October 16, 2020
  
- Condition 16 – Discontinuance of portion of Westminster Hill Road
  - o Completed
  
- Conditions 17 through 19 – No parking and other signs
  - o Installed by June 26, 2020
  
- Conditions 42(c) and (d) – Street Lighting and Entrance Sign for Industrial Park
  - o Completed by September 4, 2020

**Construction and Operation Measures**

1. Construction work and the use and operation of Fields 5, 6 and 7 will be physically separated so that there will be no overlap in these uses at the Facility.
2. No construction work shall be performed after 5:00 p.m on Mondays through Saturdays or at any time on Sundays. Owner will coordinate efforts with the Building Department to ensure compliance.
3. Hours of Operation for three fields will be from 8:30 a.m. to 7:30 p.m. – 7 days a week.
4. By June 26, 2020, Owner will provide certification by professional or civil engineer that Fields 5, 6 & 7 have been installed in compliance with the approved Site Plan.
5. No parking signs will be installed on the temporary access road to Fields 5, 6 & 7. This road will remain gravel as shown on the approved Site Plan, but will be watered and treated with calcium as needed to reduce dust.
6. Rock crushing will be completed by July 10, 2020.