

**DRAFT FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, AUGUST 16, 2016**

MEMBERS PRESENT: Paula Caron, Chair
John DiPasquale
Mike DiPietro
Paul Fontaine, Jr.
Mike Hurley
Kristin Sweeney
Laura O’Kane (Assoc. Member)

MEMBERS ABSENT: Andrew Van Hazinga

PLANNING OFFICE: 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.

Meeting Minutes

Minutes of the June 21st & July 11th meetings were approved with minor corrections.

ANR plans

20 Authority Drive

A 24,741 sq. ft. portion of the Geosearch, Inc. parcel is proposed to be split off and consolidated with an adjacent parcel, also owned by Geosearch, to make a separate 48,000 sq. ft. parcel, to be sold off. The Board endorsed the plan.

Evergreen Realty Trust, Franklin Rd.

Larry Sabean, Hannigan Engineering presented plan proposing to separate the built portion of the Chamberlain Hill condo development (Lots 2B & 3B) from the unbuilt portion (Lots 2A & 3A). Purpose: To convey 2B & 3B to the condo association. Peter Bovenzi is still planning to finish the project. They were unable to obtain a Certificate of Tax Compliance from the Treasurer’s office since one or more condo owners is past due on R.E. taxes, but the Realty Trust is not responsible for that. Ms. Caron stated that splitting the property and having a portion of it be under a different ownership may create a zoning violation since the open space required by the PUD Special Permit would be under someone else’s control. Also, Mr. Hurley pointed out that the plan may cause confusion since the street shown on the plan has three different names: (Burma Rd., Fairmount St. & as part of the condo development – Constitution Dr.) This should be clarified. The Board agreed to review the plan at the next meeting.

MINOR SITE PLAN REVIEW

None.

PUBLIC HEARINGS

Special Permit - Jaffee, driveway > 500 feet long, common driveway, Sheldon Rd. (re-hearing)

This was intended to be a re-hearing of the Special Permit for the application’s original driveway location, which had an error in the public hearing notice. In the meantime, the applicants Anna Jaffe & Lauren Slater have revised the location of the proposed driveway further to the east. Proposed driveway location is now completely outside of the 100-foot wetland buffer zone. Their Notice of Intent w/ the Conservation Commission has been withdrawn. New notice of tonight’s Planning Board hearing had been provided to abutters.

Anna & Lauren presented plan. The driveway will skirt the wetland buffer. They will be able to traverse the slope w/ a gradual slope. They plan to scrape topsoil of new driveway location and then install approx. 8-12 inches of reground asphalt. They do not want the entire driveway paved.

Public Comment:

Evan Halstead, 455 Sheldon Rd. - Why not run driveway straight up into property?

Answer: That would cut through a field.

The wetland area in front of the parcel is being re-delineated.

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

Motion made (Mr. Fontaine) & seconded (Mr. DiPasquale) to Approve Special Permit for a Common Driveway, and a driveway exceeding 500 feet in length, and Site Plan Approval, subject to conditions:

- First 30 feet of the driveway from the edge of pavement (apron) to be paved.
- Submit proposed Common Driveway easement for review and approval of Planning Board.

Vote 7-0 in favor (Ms. O'Kane, Assoc. Member participating).

Special Permit - Wireless smokestack co-location, 100 Bemis Rd., Verizon

Atty. Earl Duval, representing Verizon, and Jesse Marino, Project Engineer, presented plan.

Proposed is an installation of eight wireless communications panels on the chimney at Duck Mill Apts.

As part of the application materials, a P.E. has certified that the chimney was structurally sound and the wireless installation will not cause a problem. Ground equipment would be installed in an area to be fenced-in.

Mr. Fontaine: Why not install the cabling on the side of the smokestack on the back side of the smoke stack (the northwest side), instead of the side that's most visible from the street?

Ans. - Because that's the most direct route for a cable. Installing cabling on the other sides would have to zig-zag around various lower structures.

Mr. Fontaine: Installing cable on the NW side would only be visible from the Arden Mills development.

Several members of the public that rec'd hearing notices were present, but no objections raised.

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

Motion made & seconded to Approve Special Permit and Site Plan Approval, subject to conditions:

- If feasible and practicable, move relocate cables to the side of the smokestack facing the Arden Mills complex.
- Continued maintenance of panels as they fade.

Vote 7-0 in favor (Ms. O'Kane, assoc. member participating).

Site Plan Review & Special Permit - Unified Petroleum, 249 Kimball St. - redevelopment

Pat McCarty, McCarty Engineering & applicant Kalid Qasim presented plan. Plan is to redevelop existing gas station into a 2,400 sq. ft. convenience store with gas pumps. Existing building, gas pumps, concrete pads and USTs will be removed and all new construction. A Special Permit is required since it will also have a "Fast Food Restaurant" component. There will be no cooking on site. All prepared food will be brought from a commissary. There will be new water & sewer connections.

Driveways to site will remain approx. the same. General discussion about the adequacy of parking, landscaping & site driveways. There should be designated spaces for employees: one for owner, gas attendant and tenant (donut shop). Designated areas for snow storage needed. The Board felt the driveway at the corner nearest Foster St. should be one-way IN only.

Public Comment:

Dave Gagnon, Newport St. - Good that site is being renovated & will have diesel.

Mr. Ouellette, 127 Rollstone St. - That would be a big improvement to area.

John Davis, Davis Design, 175 Kimball St. - He sees the site every day and had suggestions about easier delivery truck access. Architectural elevations submitted w/ site plan were reviewed. John suggested a better appearance (more windows) on the side facing Kimball since that will be the most visible side.

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

Motion made & seconded to Approve Special Permit for fast food restaurant, and Site Plan Approval, subject to conditions:

- Driveway at corner of Kimball & Rollstone shall be entrance only.
- Two employee parking spaces to be designated.

Vote 7-0 in favor (Ms. O'Kane participating).

Special Permit - MMJ cultivation/processing facility, 99 Development Rd. Mass Patient Foundation
Present were Attys. Brandon Kurtzman & David Ullian of Vicente Sederberg, LLC, Joseph Lekach of Mass. Patient Foundation, Inc. and Tony Capachietti of Hayes Engineering.

Overview of proposal given. MPF had agreement w/ property owner. They will be leasing all of ChemDesign parcel and renovating four of the buildings initially. The Westminster town line splits the parcel. Building #1 as noted on submitted plan (on the Westminster side) will be the entrance point for all MMM employees. No cultivation or processing. That use is permitted by right in Westminster. Building #2 will be used for -- ?? Building #3 will be a cultivation bldg. Building #4 will be labs and processing. They plan to have 20 employees in year 1 and expand to 60 employees by year 3. Their retail location will be in Arlington & they're looking into other locations for dispensaries. The Fitchburg location will not contain a dispensary, it will strictly be for cultivation & processing. They have entered into a Host Community Agreement with the City. Property owner has already leased space to a portion of bldg. #1. They will have a separate entrance and be fenced off.

Public Comment:

Atty. Christine Tree, on behalf of City Solicitor: The Host Community Agreement MPF entered into with the city will offset any negative effects of the proposed use.

Peter Medes, General Mgr. of Peak Mfg., 325 Authority Dr. - They have two access drives nearby.

How will new use at 99 Development Dr. affect them? They're also concerned about stormwater which runs downhill from abutting property and ices up their parking area in winter.

MPF will address that.

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

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to Approve Special Permit for an MMM facility, and Site Plan Approval, subject to the following conditions:

- Submittal of revised site plan showing a clearer identification of uses in the four buildings.
- None of the Buildings noted on the plan may be used for retail sales of Medical Marijuana.
- No future tenants shall be located on the former ChemDesign site without prior review & approval of the Planning Board in order to determine if proposed additional uses are suitable for the site.

Vote 7-0 in favor. (Ms. O'Kane, assoc. member participating).

Atty. Ullian requested whether the Board would consider waiving the Special Permit / Site Plan application fee of \$300 since MPF is a nonprofit.

After some discussion, Motion made (Mr. Fontaine) & seconded (Mr. DiPasquale) to waive the \$300 application fee, not because of the applicant's status as a nonprofit, but due to the Community Benefits Agreement they have with the City.

Vote 7-0 in favor.

Special Permit - MMJ cultivation/processing facility, 25 Newport St. - Compassionate Organics
Board was informed that the applicant had called late that afternoon to request that this item be postponed. Board agreed to postpone hearing to September 20th meeting.

Special Permit - Fournier, common driveway, driveway >500 feet long, Fisher Road

Matt Fournier and Jamie Rheault, Whitman & Bingham Assocs. present. Site had been approved for a 20-lot subdivision about 10 years ago. Property had been taken back by the bank and was recently acquired by applicant. Matt wants to split lot, build one house for himself, and have a 2nd lot for future. An ANR plan will be submitted to the Board.

Jamie had revised plans from the initial submittal after comments received from Fire Prevention. Fire Prevention had commented that they'd like the driveway widened from 12 to 14 feet, and to enlarge the several turnaround areas off the driveway from 50 to 70 feet long. After an initial grade of 5% the driveway will range from 1% to 5%. It will be 12 inches of compacted gravel.

He's applying for and will be constructing driveway to common drive standards now, but there'll only be a single dwelling to the immediate future. He asked the Board to allow him to submit a common driveway easement document at the time the 2nd lot is conveyed and another house built off of the common drive.

Public Comment:

Ms. Derby, Fisher Rd. had no objections, was just curious about the proposal.

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

Motion made (Mr. Fontaine) & seconded (Mr. DiPasquale) to Approve Special Permit for a Common Driveway, and a driveway exceeding 500 feet in length, and Site Plan Approval, subject to conditions:

- At the time the ANR plan for the property split is submitted, submit the proposed Common Driveway Easement for Planning Board's review & approval.

Vote 7-0 in favor (Ms. O'Kane, assoc. member participating).

OTHER BUSINESS

Chantelle Fleck & John Hume of MRPC in to discuss progress in getting city eligible to be designated as a Green Community. They have been working on several by-law changes.

Board was informed of correspondence from atty. re: Notice of Intent to Sell & Convert Ch. 61-A forest land on Pearl Hill Rd., Kendall Rd. & New West Townsend Rd. Property owner: Bingham, proposing to sell 243 acres to Energy Development Partners for \$1.6 million. City has 180 days to match offer.

Board informed that Planning Board meetings in future have been relocated to FSU - Hammond Hall, Room S-08, on the street level. Building is on Northeast corner of North & Pearl Sts. Parking is available in lots on North Street, past the gym.

Meeting adjourned: 9:30 p.m.

Next meeting: 9/20/16