

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, NOVEMBER 15, 2016**

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

MEMBERS ABSENT: Kristin Sweeney

PLANNING OFFICE: Mike O’Hara

Call to Order

Meeting called to order at 6:05 p.m. at Fitchburg State University, Hammond Hall, Room S-08.

Meeting Minutes

Minutes of the October 18, 2016 meeting were approved with one correction.

Special Permit - Bank of America, 17 Pacific St., parking relief

Board was informed that earlier in the day, applicant’s engineer, Whitman & Bingham and requested a continuance to the December meeting. Several abutters were there, they will be notified of any future application.

Note: Ms. O’Kane & Mr. Van Hazinga recused themselves from this item since the NewVue Communities may be appointed as the receiver for this property.

ANR Plans

318-348 & 356 Broad St., Gonzales

Rich Gonzales, property owner present. Plan adjusts property lines between Lots 1, 2 & 3 to give more room to Lot 2. ZBA had granted variance in October approving the non-conforming setbacks. A note to that effect with Book & Page reference of Variance decision is included on plan.

The Board endorsed the plan.

MINOR SITE PLAN REVIEW

480 Water St. indoor/outdoor Flea Market

Ke Xu presented plan for indoor/outdoor Flea Market “Fitchburg Commodity Center” at the former Halloween World. Hours of operation - Saturdays and Sundays 8:00 a.m. to 5:00 p.m. Applicant plans to paint back and sides of building, will install siding on front of building.

Q: Number of parking spaces needed? 55 parking spaces needed.

It was pointed out that the railroad ROW that runs behind bldg. and splits two parcels is planned to be a portion of the planned Twin Cities Rail Trail and cannot be used as parking. The cities of Leominster & Fitchburg expect to acquire the ROW from CSX by the end of the year.

Applicant says there is an existing easement across tracks to parcel on other side of ROW. That will be shown on the plan. He will be put in touch w/ engineering firm that’s designing the rail trail.

Q: Is it possible to have parking in front of the building, on the left side? Yes.

Applicant will look into purchase of triangular parcel in front owned by City of Fitchburg. “Halloween World” sign is on this parcel. He will pursue getting permission from City of Fitchburg for him to clean up, maintain and landscape triangle.

Applicant plans to paint back and sides of building; he will install siding on front of the building.

For now, just show parking on the front of the building. No outdoor sales allowed until that is shown on plan and approved by the Board.

Board agreed: Additional info needs to be shown on site plan:

- Show Railroad right-of-way on plan.
- Eliminate the parking spaces shown within the RR right-of-way.
- Show landscaping around sign.
- Area for Outside Sales (if any) to be noted on plan.
- Show required number of parking spaces on plan, in front of or to the side of the building.
- Provide narrower driveway off Water St.
- To prevent traffic from entering site other than at driveway, provide bituminous berm along rest of street frontage.
- Show dumpster location on plan. If already screened from view of street, no need to build screening enclosure.
- Remove or fix & straighten bollards/chains. If bollard/chains remain they are to be painted silver or black (no neon bright colors).

Applicant will be back at next meeting with revised plan.

PUBLIC HEARINGS

Special Permit & Site Plan Review - Happy Valley Ventures, MA, Inc., Medical Marijuana cultivation & processing, 25 Newport St.

Atty. Andrea Nuciforo, representing Happy Valley Ventures (HVV) presented PowerPoint proposal.

Board members sat in audience. (PDF of the PowerPoint is in file.)

They intend to lease and then purchase the entire 25 Newport St. parcel.

They are asking for waivers from 300-foot setback required in the MMM section of the Ordinance from abutting parcel's dance studio & martial arts studio, and from nearby residential uses on Newport St.

Transportation of Cannabis product will only occur in a new enclosed new building in courtyard between the two wings of building. The Board reviewed architectural renderings of building and addition and proposed screening, fencing around property. They're proposing a 10-foot high fence to separate this parcel from the 68 Airport Rd. parcel (retail strip in front).

Ms. Caron: Is there a letter of Non-opposition from the City?

Atty. Nuciforo: Not yet, they have been in discussion with City Solicitor regarding that letter & a Host Community Agreement. There will be no letter of non-opposition without the Host Community Agreement.

HVV's existing Host Community Agreements with other communities contain an escalator clause – if any subsequent agreements with other communities includes a greater donation, HVV must match that in any already agreed-to Host Community Agreement. They need to be consider that.

Mike Reardon, CEO of Happy Valley Ventures, MA, Inc. – Security at site will comply with Mass DPH requirements, they will fence entire site, and control entry thru guardhouse. There is an existing access easement thru the 68 Airport Rd. parcel that will be used as the principal access. Newport St. will be used for emergency access only.

Board agreed: Need map of properties within the 300-foot buffer required by the Ordinance. What dwellings, other uses are in it?

Board suggested instead of wooden fence a vinyl fence of a consistent type around all the way around perimeter of site. But a ten-foot high fence would need variance on height (Sec. 181.4214) - 8-foot is max. height allowed.

Q: How will windows be made secure? HVV: Some windows may need to be replaced, but security will be provided from the inside. Board doesn't want to be able to look thru windows at just drywall. Maybe install film inside the windows?

Mr. Fontaine: Given the results of the recent state referendum, does HVV plan on growing only medical cannabis? Riordan: That's all they are permitted to do now. They would not be averse to that in future but it will be up to a Cannabis Control Commission to adopt regulations. They will wait & see. They will plan on offering it for adult use, if permitted.

Building has 60,000 sq. ft. They just need 8,000 sq. ft. to grow MMJ. Max. build out can accommodate lots more growing space. They will not have any signs for the business.

Public Comment:

Dave Gagne, 18 Newport St. - If proposed gate at end of Newport St. is always closed, it would present a problem for vehicles/trucks (rubbish, delivery, fire trucks, etc.) turning around at end of street. Currently trucks turnaround in ROI Industries lot, or have to back out of street. He presented an aerial photo from Google Earth showing existing conditions and a possible turnaround within cul-de-sac on the 25 Newport St. parcel – just need to have a semi-circular fence around the turnaround.

Brian Rehrig, Renco Management - owner of 68 Airport Road: He has seen the plan and supports the proposed use. He pointed out that the requested waivers should apply to the entire 68 Airport Road parcel, not just individual units, since the tenants may change.

Re: Access easement thru 68 Airport Rd parcel – Brian proposes to flip responsibility for maintaining easement to Renco Management, Inc. not 25 Newport Street. He'd prefer no fence – or not white, but he would like as much plantings and possible in front of fence.

He suggested relocate guard shack deeper into 25 Newport St., to not conflict with drive-up area around 68 Airport Rd.

Timeframe: MMV plans to start as soon as all permits received. They're planning to do full build-out in 180 days. The Fitchburg location will be the sole supplier of their three dispensaries. There will be no Dispensary at this location. An LLC is purchasing the building and will lease to the non-profit. Project is a \$3.5 Million investment.

Brian Rehrig is fine w/ a 6- foot high fence. A decorative metal fence would be even better.

Dave Gagne: 6-foot fence at perimeter is OK with him. Therefore, would not need variance & public hearing, etc.

Agreed: Fence should be on 18 Newport Street side. No fence on 68 Airport Road.

Unnamed Leominster Resident: Expressed support because MMJ has improved his wife's quality of life. He wished that HVV had come to Leominster instead.

Agreed: HVV to provide additional information to the Board:

- How all the sections of the MMM ordinance are addressed.
- More information on security.
- Show on plan 300-foot setbacks and specify which properties are subject to the 300-foot setback area, and the distances to those properties.
- F.D. & P.D. review of turnaround at end of Newport St.
- DPW review of water & sewer connections & capacity of system.
- Show property on the adjacent 68 Airport Rd. parcel on plan, including white bldg. and future plan for white building.
- Show nearest Newport Rd. abutting properties on plan.
- Show turnaround on plan.
- Show proposed perimeter fencing on plan.

- Show site lighting & landscaping plan.
- Show dumpster location (if any).
- Provide copy of Host Community Agreement, letter of non-opposition

Hearing continued until December 20th meeting.

OTHER BUSINESS

City Council petition

Board discussed petition submitted by Mr. Beachemin proposing to adopt moratorium on small cell towers until appropriate controls can be put in place. Board seeking more information on petition, what is meant by 'small cell tower', whether any are currently existing in Fitchburg. Board agreed to make no comment on the petition

2017 meeting schedule

After discussion Board agreed to change meeting date to second Tuesday of month starting in 2017. Location TBD, but would prefer another location with parking closer.

Ms. Caron asked that the 75% design plans for MassDOT's Summer Street improvements plans be forwarded to the Board.

Mr. Hurley will be submitting petition to install street light @ new crosswalk near Pearl Hill Rd. & John Fitch Hwy.

Ask Larry C. about ongoing Water St. sidewalk repair beyond Halloween World Street. Q: Will there be a fence & what type would it be? Chain link is not preferred.

Discussion on possible procedures for upcoming hearings on W. Fitch. Commercial Recreation proposal. Speakers go up to microphone to offer comment, instead of shouting from audience. Limit speakers to 2 mins. Don't go repeat what's already been said. Also, Mr. Hurley raised possibility of site walk prior to hearing. Agreed: Saturday morning after Thanksgiving would be OK, 9:00 a.m. Mike O'H will contact applicant for availability. It would need to be posted as a meeting, per open Meeting Law.

Meeting adjourned: 9:35 p.m.
Next regular meeting: 12/20/16
Minutes approved: 12/20/16