

**Legislative Affairs Meeting
February 3, 2021
Minutes**

The meeting was called to order at 6:03pm

Committee members present: Couture, DiNatale, Schultz, Zarrella, and Walsh
Also present: Community Development and Planning Executive Director Tom Skwierawski, Planning Board Chair Paula Caron, City Solicitor Vincent Pusateri, Principal Planner Mike O'Hara, Ward 4 Councilor/Economic Development Committee Chair Andy Van Hazinga, Economic Development Committee Members Ward 5 Councilor Marisa Fleming, and Councilor-At-Large Samantha Squailia

Agenda:

005-2021 Phase II Review of Zoning Ordinance (Ordinance 172-2020 (Petition 029-20) and Petition 220-2020): <http://www.ci.fitchburg.ma.us/DocumentCenter/Index/816>

The Legislative Affairs Committee discussed the following sections of the Phase II, Bundle 2 changes to the Zoning Ordinance: Farmer's Markets, Agriculture, Multi-Family Dwellings, Infill Development, RC Zoning, Accessory Dwelling Units, and Off-Street Parking.

For each section, Mr. Skwierawski gave an overview and then that section was opened for discussion and suggested amendments.

Farmer's Markets:

The discussion centered on customizing the ordinance to the Fitchburg market; making sure the ordinance is inclusive and not too restrictive; making the public assembly form accessible, easy to comply with and when feasible, available in hyperlink format; arranging for waste removal; the amendment to 181.10 (a) requiring 75% of the vendors to sell Farm Products or Value-added Farm Products and (b) requiring 75% of the vendors to be Producers, etc., seems restrictive; Ayn Yeagle offered to submit a list of definitions for Farm Products and Value-added Farm Products.

181.10 – Motion by Councilor Zarrella not to delete the last sentence under Farmer's Market, "A wayside stand or an individual selling such items from a truck are not considered Farmer's Markets. Councilor DiNatale seconded the motion. The motion passed, 5-0.

181.10(a) and (b) – Motion by Councilor Zarrella to amend the 75% to 60% in both sections. Motion seconded by Councilor DiNatale. Motion passed by unanimous consent.

181.10 - Motion by Councilor Zarrella to either amend the definition of Producer to include makers of local crafts or add a definition of "local maker." Councilor DiNatale seconded the motion. Motion passed by unanimous consent.

181.10 – Motion by Councilor Zarrella to develop language to define what makes up the 40% remaining in sections (a) and (b). Councilor Schultz seconded the motion. Motion passed by unanimous consent.

Agriculture and Agricultural Related Activities

181.10 Definitions – Motion by Councilor Zarrella to amend language under definition of Agriculture to “animal, traditionally used for food or textile purposes...” Second by Councilor DiNatale. Motion passed by unanimous consent.

181.313 Schedule of Principle Use Regulations – Motion by Councilor Zarrella to amend Principal Use, FSU, to PB. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Motion by Councilor Zarrella to add language to the temporary container storage rules (these rules are in Phase II, Bundle 1), except for the duration requirement, to apply to agriculture. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Multi-Family Dwellings

181.743 – Councilor Van Hazinga proposed a change to section 3 regarding off-street parking (see attached). The discussion centered on the purpose of addressing smaller units and to establish criteria for multi-family units; that across-the-board changes are not feasible, as what works in neighborhoods might not work well downtown, and vice versa.

Councilor Zarrella commented that smaller and larger multi-family units should be addressed separately.

Motion by Councilor Zarrella to hold off on the multi-family section to allow the Zoning Advisory Committee to revise this section. Motion seconded by Councilor DiNatale. Motion passed by unanimous consent.

Infill Development

Motion by Councilor Zarrella to add language to define an existing lot as a lot in existence at the date of enactment of this amendment, provided that, if the lot comes into existence after that date, it may be granted a Special Permit by the Planning Board, provided it has been under municipal ownership after the date of the enactment of the ordinance. Motion seconded by Councilor DiNatale. Motion passed by unanimous consent.

181.4253(d) - Motion by Councilor Zarrella to remove the language under this section, “...except under provision 181.4253(d.). Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.4252(a) – Motion by Councilor Zarrella to delete the language, “...with its Rules and Regulations for Special Permits and Site Plan Review...” Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.4253(d) - Motion by Councilor Zarrella to add the following language: Notwithstanding 181.4253(c), when an existing conforming lot of over 10,000 sq. ft. is in common ownership with an existing lot of under 5,000 sq. ft. but over 4,000 sq. ft., they may be combined and re-subdivided to create an infill lot of at least 5,000 sq. ft. in substantially the same location as the existing undersized parcel, provided that the resulting larger lot shall remain over 10,000 sq. ft. and shall otherwise conform to all dimensional requirements. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

RC Zoning

181.414 Table of Dimensional Requirements - Motion by Councilor Zarrella to amend RC (under #1), to RC Non-Single Family Units. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Accessory Dwelling Units

181.3212.B. Procedures – Motion by Councilor Zarrella to add language that allows the Building Commissioner, either on his own, or by request by the permit holder to extend or renew the Special Permit, providing the permit holder is otherwise in compliance. Motion seconded by Councilor DiNatale. Motion passed by unanimous consent.

Off-Street Parking

181.512 Table of Off-Street parking Requirements

Table C-3 Institutional Uses – Motion by Councilor Zarrella to amend Municipal Facilities to “Not applicable” in first column (Minimum Parking Requirement). Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Motion by Councilor Zarrella that all rows with language equivalent to that of row D19 should instead read as per the language of rows C3 or D1, with "Planning Board" or "Special Permit Granting Authority" preserved as per the original row, and that a subsection external to the table be added noting that in all places where the table reads, "As determined by the [Planning Board/Special Permit Granting Authority]." the board in question shall ensure "adequate parking spaces to accommodate, under normal conditions, the cars of occupants, employees, members, customers, clients, and visitors to the premises". Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.5146(c) General Requirements – Motion by Councilor Zarrella to replace “the current edition of the Massachusetts Architectural Access Board current edition” with in accordance with the current rules

and regulations promulgated by the Massachusetts Architectural Access Board.” Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.546(d) – Motion by Councilor Zarrella to change the word “property” to “unit” in the last sentence, where it currently says, “owner or occupant of one property” and “owner or occupancy of another property.” Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.528 Waiver – Motion by Councilor Zarrella to expressly exclude s. 181.527 from waiver herein. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

CHANGES RECOMMENDED BY THE PLANNING BOARD:

181.511 General Requirements

Planning Board change to add, “In the Downtown Business District, off-street parking spaces need not be provided for any retail business or service or any commercial industrial use which is located within the District.” Motion to accept the change by Councilor Zarrella, seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.B.8 Table of Off-Street Parking Requirements

Motion made by Councilor Zarrella to accept the Planning Board recommendation to change the Minimum Parking Requirement column to read, “As determined by the Planning Board.” Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.D.9 Hotel, Inn or Motel

Recommendation was to add after One (1) space per guest room or suite, “plus one per 4 seats in the largest assembly area, plus 1 per 500 square feet of meeting, banquet, or restaurant area.” Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.D.11 Motor Vehicle and Equipment Sales

Recommendation was to replace the language with “One (1) parking space per 500 square feet of gross floor area or one (1) parking space per 15 sale cars allowed by license (whichever is greater). Motion by Councilor Zarrella to accept. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Motion by Councilor Zarrella to insert in an appropriate location, language clarifying the meaning of the Special Permit Granting Authority in this table; it only goes in front of the ZBA if a) the petitioner is already in front of the ZBA regarding use and b) if the use in question does not require major or minor site-plan review; otherwise Planning Board. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.D.14 Restaurant

Recommendation was to add language after “One (1) space per four (4) seats” to amend it to “One (1) space per four (4) seats, or, where benches are used, one (1) space for each ten (10) linear feet of bench. Where no fixed seats are used (as in a museum), for each one hundred (100) square feet of public floor area, there shall be one (1) parking space.” Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passes by unanimous consent.

181.512.D.15 Restaurant, Fast Food

Recommendation was to add language after “One (1) space per four (4) seats” to amend it to “One (1) space per four (4) seats, or, where benches are used, one (1) space for each ten (10) linear feet of bench. Where no fixed seats are used (as in a museum), for each one hundred (100) square feet of public floor area, there shall be one (1) parking space.” Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passes by unanimous consent.

181.512D.12 Motor Vehicle Repair or Body Shop

Recommendation was to include “Two (2) spaces per service bay or as otherwise determined by the Special Permit Granting Authority.” Motion by Councilor Zarrella to accept this change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512D.13 Motor Vehicle Service Station or Car Wash

Recommendation was to include “Two (2) spaces per service bay, plus car wash queue for five (5) cars or as otherwise determined by the Special Permit Granting Authority.” Motion by Councilor Zarrella to accept this change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512D.13A Motor Vehicle Fuel Dispensing Station

Recommendation was to include “One (1) space per pump plus one (1) space per employee, plus two (2) spaces per service bay, plus one (1) space per fifty (50) square feet of gross floor area.” Motion by Councilor Zarrella to accept this change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512D.14A Seasonal Outdoor Dining

Recommendation was to delete this from the Table of Principal Uses. Motion by Councilor Zarrella to accept this change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512F. Other Uses

Recommendation to add row 4, Access through more restricted district to reach portion of same lot located in less restricted district. Motion by Councilor Zarrella to accept this change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.A.4

Councilor Van Hazinga recommended regarding Multi-Family Development 181.743.3, inserting this language after the first sentence: “Multi-Family Developments with frontage on Main Street, between its intersections with Day Street and Academy Street, with six (6) or fewer residential units are not required to provide off-street parking.” The Committee decided this was best decided in the Off-Street Parking discussion.

Motion by Councilor Zarrella to amend 181.512.A.4 to “Two (2) parking spaces for each dwelling unit, or as otherwise provided in <placeholder> (i.e., future Multi-Family Dwelling ordinance), and that the Zoning Advisory Committee consider, regarding Councilor Van Hazinga’s suggested language (above), whether Day and Academy Streets are the appropriate boundaries, and that the Principal Use table be used as a formatting template. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.D.25 Building Trade Shop or Artisan Manufacturing

Recommendation that this be amended to “One space per 1000 square feet of gross floor area or as otherwise determined by the Planning Board.” Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.E.3 Wholesale, Warehouse, Self-Storage Mini-Warehouse, or Distribution Facility and 181.512.E.4 Manufacturing

Recommendation that each of these be amended to “One (1) parking space per 1000 square feet of gross floor area, or as otherwise determined by the Planning Board.” Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.512.E.11 Computer Software Development and 181.512.E.12 Computer Hardware Development

Recommendation to add language, “One (1) parking space per 400 square feet of gross floor area.” Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.513 Special Permit and Site Plan Review

Suggestion that the language clarifying Zoning Board of Appeals and Special Permit Granting Authority could be placed here.

181.5141 Design Standards

Motion by Councilor Zarrella to delete the added, "Required Property Line/Bldg Setback (feet)" column. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

181.5143

Recommendation by Mr. Skwierawski to amend the language to read "...at least eight (8) feet..." Motion by Councilor Zarrella to accept the change. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Motion made by Councilor Zarrella to accept all the proposed amendments with all the changes the Committee has discussed tonight. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Motion to adjourn made by Councilor Zarrella. Motion seconded by Councilor Schultz. Motion passed by unanimous consent.

Meeting adjourned at 9:32pm.