

April 13, 2021

The meeting was called to order at approximately 6:05pm.

Present were Legislative Committee members Councilors Walsh (Chair), Couture, Schultz, Van Hazinga, and Zarrella.

Present also were City Solicitor Vincent Pusateri, Police Chief Ernest Martineau, Community Development & Planning Executive Director, Tom Skwierawski, Councilor Marcus DiNatale, and Councilor Paul Beauchemin.

Public Comment:

RE: Petitions 46-21 and 70-21, Mary Troy sent an email comment that she thought David Clark deserved recognition for “all he did for the city. He did it quietly and with dignity.”

Jeff Bean also emailed a suggestion that petition 46-21 be amended to “have the Legislative Building named after Ronald B. Ingemie. He served as city council president for 14 years.” He further commented that he thought the broadcast booth at Cocker Field be named in memory of Dave Clark.

Agenda:

128-20. Councillor Paul Beauchemin, to petition that all applications for a Dealer's License must be for ten (10) cars, minimum.

This petition was given leave to withdraw, as Councilor Beauchemin agreed that this issue had been addressed with the changes to the zoning ordinance. Councilor Zarrella made the motion for leave to withdraw, Councilor Van Hazinga seconded the motion. The vote was 5-0 to give the petition leave to withdraw.

020-21. Vincent P. Pusateri, II, Esquire, to Convert False alarm notifications fees to a municipal charge lien, as outlined in the enclosed petition.

City Solicitor explained that by approving this petition, the city would be able to place a “municipal charges” real property lien on those properties that were delinquent in payment of false alarm fines. Police Chief Martineau stressed that this is an issue in the city, as each time an alarm sounds, the police must respond, and there are numerous false alarms. Councilor Van Hazinga made a motion to approve the petition; Councilor Couture seconded the motion. The petition was approved 5-0.

046-21. Councillor Marcus DiNatale, to petition that the new Fitchburg City Hall Legislative Building be named the "David Clark Legislative Building" in honor of former School Committee Member, City Councillor, WEIWWPKZ radio and FATV sports Broadcaster David Clark for his many decades of public service to the City of Fitchburg.

Councilor DiNatale gave a very heartfelt and gracious tribute to Councilor Dave Clark in support of his petition to name the Legislative Affairs Building after Mr. Clark, who passed away on February 26, 2021. Those positive sentiments about Councilor Clark were echoed by each councilor on the committee. Councilor Beauchemin appeared before the committee to suggest that, although he thought

a lot of Councilor Clark, there were others, such as former Mayor George Bourque, former City Councilor and State Representative Emile Goguen, for example, who would be equally as deserving. Councilor Zarrella reported that an anonymous donor had offered to pay for a plaque to honor Councilor Clark, while Chair Walsh suggested that a "wall of fame," could be created to honor all those former councilors and city officials who had served the city admirably, including Dave Clark. She further suggested that before the city names the building, it would be important to get input from the community, regarding whether to name the building, and if so, for whom. Councilor Van Hazinga made a motion to hold this petition in Legislative Affairs Committee until such time as we receive such input from the community. Councilor Zarrella seconded the motion. The motion passed 4-1, with Councilor Schultz in the dissent.

070-21. Councillor Amy Green, on behalf of the Board of Directors of FATV, Mike Flynn and "Broadcast Buddies" of Dave Clark to petition to have the booth named and dedicated in Dave Clark's name.

Amended to read as follows:

Councillor Amy Green, on behalf of the Board of Directors of FATV, Mike Flynn and "Broadcast Buddies" of Dave Clark to petition to have the booth at Crocker Field named and dedicated in Dave Clark's name.

Chair Walsh reported that she spoke with Pete Stephens, Vice-Chair of the Fitchburg School Committee, who explained that Crocker Field is overseen by the School Committee, not the City Council. Considering that information, Councilor Zarrella made a motion to amend the petition to a resolution, which would then be forwarded, upon approval by the City Council, to the School Committee for their consideration. The motion to amend was seconded by Councilor Schultz and passed by a 5-0 vote. Councilor Zarrella made a motion to approve, as amended, which was seconded by Councilor Couture. The resolution was approved by a 5-0 vote.

044-21. AN ORDINANCE: Strike 3-208, entitled "Deputy Procurement Officer" in its entirety and replace with the following: 3-208 Procurement Support Staff

The Chief Procurement Officer shall be authorized to fill any administrative support staff position that is provided for and funded by appropriation.

City Solicitor notified the City Clerk and the Legislative Affairs Committee prior to the meeting that this motion was being withdrawn.

172-20. AN ORDINANCE: amending the Zoning By-Law be amended by striking the By-Law in its entirety and inserting in its place the attached Zoning By-Law represent phase one of rewriting the City's Zoning By-Law.

(Reference Petition #29-2020, Petition #221-20, and Petition #005-21)

(First Reading, as Amended was completed April 7, 2021)

Final Amendment, please see links below:

<https://www.fitchburgma.gov/DocumentCenter/View/7848/Final-Zoning-Ordinance-with-all-Amendmen> FINAL 04012021

Finalized Ordinance and Map:

<https://drive.google.com/file/d/i i zB gNMkyXFh88yLd59hT-2XvADt68rTH/view?usp=sharing>

Community Development & Planning Executive Director, Tom Skwierawski sent the following changes to Legislative Affairs prior to the meeting:

“In advance of tonight’s Legislative Affairs meeting, I wanted to send along some additional (minor) comments, as well as some general notes on the changes made.

- 1) **Typos/Formatting:** Many of the fixes were merely typos, cross-references (as many of the citations have changed) or formatting issues. There have been a lot of moving parts over the past 17 months, and the reading process is helpful in fleshing out those minor inconsistencies. Both myself, Attorney Pusateri and Paula Caron have been reviewing the ordinance diligently to look for these errors.
- 2) **Use Table Fixes:** The Use Table (181.313) had a few tweaks, none impacting the substance of the ordinance. For example, “Medical Treatment Facilities” was omitted from the final submitted document, but was voted on by the Council in the last Public Hearing.
- 3) **Table of Off Street Parking Requirements (181.512):** The major changes here are related to ensuring all the listed uses line up with the Use Table (181.313), for the sake of consistency. There were not adjustments made to parking requirements, just the ordering (and consequently, numbering) of uses
- 4) **Signage:** Attorney Pusateri examined this section, per the Council’s recommendations at the last Public Hearing. Most importantly, reference to duration and size restrictions on lawn signs were removed. Attorney Pusateri felt as though further prohibitions on public hazards/nuisances were problematic and unnecessary, for reasons noted in the document’s comments.

The committee unanimously agreed that the changes to address minor typos, use table fixes, and table of off street parking would be accepted.

The committee discussed the signage as follows:

181.5.337 – Councilor Zarrella explained that he would support moving this to another section in the zoning ordinance and the committee agreed that Mr. Skwierawski could either locate another place locate this provision or modify the language to include that a “permit is not required.”

181.5332 – At the suggestion of Mr. Pusateri, and discussion by Councilor Zarrella, this was amended to begin with, “In districts which allow residential uses by right...” then continue with the language there already. Councilor Zarrella made a motion to approve as amended, Councilor Van Hazinga seconded the motion. The motion passed, 5-0.

181.5370 – this was deleted.

181.5338 – Councilor Zarrella pointed out that the word “sign,” was missing in this section. Mr. Skwierawski agreed to correct that.

Councilor Zarrella made a motion to approve all the changes to the zoning ordinance as presented by Mr. Skwierawski. Councilor Van Hazinga seconded the motion. The changes were approved by a 5-0 vote.

Councilor Zarrella made a motion to adjourn. The motion was seconded by Councilor Couture, and passed, 5-0.

The meeting adjourned at 6:52pm.