

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, NOVEMBER 12, 2019**

MEMBERS PRESENT: Paula Caron, Chair
Paul Fontaine, Jr.
Amanda Koeck
Andy Van Hazinga
Peter Capodagli
Mike Hurley
Laura O’Kane

STAFF: Mike O’Hara, Tom Skwierawski

Call to Order

Meeting called to order at 6:01 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

ANR PLANS

Montouri Oil, 75 & 125 Main St.

David Jordan, Greenman-Petersen, Inc. presented plan to split an existing one acre lot with two businesses into Parcel A (Dunkin’ Donuts, 125 Main St.) and Parcel B (convenience store, gas pumps & car wash, 75 Main St.). The Board endorsed the plan.

MINOR SITE PLAN REVIEW

426 River St., Bitariho, used car sales

Marc Grant representing applicant Baraka Bitariho proposes to use this lot for used car sales. Board reviewed site plan showing six parking spaces. They have a transport service; they also intend to service their vehicles in the one garage bay on the parcel.

Board: Need to revise plans to show employee parking, outside dumpster, can fence at the rear of the site (adjacent to river) be repaired?

Motion made & seconded to continue item to Dec. 12th meeting. Vote in favor.

PUBLIC HEARINGS

Special Permit & Site Plan Review - Mully’s Indoor Golf Simulation, 44 Princeton Rd. (Mill Conversion Overlay District)

Hearing opened. Present were Dan Nigrosh, Can-Am Machinery (property owner), applicants Alex Xarras & Ryan Boller, and Pat Slattery, architect on the project. Ryan explained proposal to convert an approx. 5,000 sq. ft. portion of the former Mill #1 into a Golf Simulator with four booths, including a bar. Application for liquor license is pending w/ License Commission. Total capacity including employees: 49. Ryan indicated where entrance would be. There are 49 parking spaces in existing parking lot nearby, one space will be designated handicapped.

Dan: The mill has a total of 250,000 sq. ft. In addition to Can-Am Machinery he leases office space to one company. There is room for perhaps six other future tenants in the building. Main access to the building is from Fifth Mass Tpk. Mully’s proposed hours of operation: 10:00 a.m. - 10:00 p.m., 7 days per week, but they will stop serving liquor at 9:00 p.m.

Public comment:

Kathy McClosky, 324 Fifth Mass. Tpk. is concerned about access to site & vehicles encroaching onto her property & safety concerns for her children playing in the area. Her house is on the NW corner of Fifth Mass. Tpk. & Old Princeton Rd.

Dan: When a portion of Old Princeton Road was discontinued over 10 years ago, the abutter got a 200’ x 26’ strip of land. Vehicles accessing Mully’s will be using a driveway adjacent to the McCloskys’ house. Discussion on moving the access to the site to the currently chained-off driveway to the east.

Dan agreed: Access to Mully’s will be via that driveway; the one nearest the McCloskys will be used for emergency access only.

Pat Slattery stated that he has been working with Lt. Jordan in Fire Prevention to make this space code-compliant.

Agreed: Future uses in the adjacent mill space should be reviewed to see if compatible with this use.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve Special Permit with conditions:

- Change main entrance to site to the easterly driveway (closer to the dam).
- Hours of operation not to exceed 10:00 a.m. - 10:00 p.m. 7 days per week, but Board defers to the License Commission for hours for serving liquor.
- Address issues raised in Dept. comments.

Since Ms. Caron missed the August meeting where the public hearing was opened she recused herself from the following item:

Special Permit & Site Plan Review - Donell, 4-unit PUD, Old Princeton Rd. (cont'd from 10/8/19)

Hearing re-opened. Present: Jamie Rheault, Whitman & Bingham, representing Bob Donell.

Jamie apologized for missing last month's meeting. The site plan had been revised to incorporate several comments made by DPW- Engineering, such as an enlarged detention basin.

Board Comment: Access to the adjacent pond? Since this is a proposed as a Planned Unit Development, there should be some public benefit.

Jamie: A path to the pond could be on either the northern or southern side of this parcel.

Donell is willing to replace the dilapidated stockade fence on the neighbors' property at 100 Old Princeton Rd. with either vinyl or stockade fencing, depending on what the Greens want. He will also install a post & rail fence to serve as a border of the walking path. Bob Donell will be building the project.

Public comment: None.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve Special Permit with conditions:

- Create public access to pond & inform Board which side of property is chosen.
- Replace stockade fence on/near abutters' property line and install post & rail fence to serve as a border of the walking path to pond.
- Construction substantially similar to submitted plan and architectural elevations.
- No dumpster on site.

Vote 6-0 (Ms. Caron recused).

Mr. Van Hazinga recused himself due to a potential conflict of interest.

Special Permit & Site Plan Review - Shaine, 132 Pleasant St., conversion to multifamily

Hearing re-opened. No one present for this item. Prior to the October meeting Josh Shane had made it clear he was no longer pursuing this application, but there was never a written request to Withdraw.

Tom Skwierawski advised the Board that Fitchburg Housing Authority's Exec. Director had requested that the Planning Board vote to deny the application, rather than accept the withdrawal of the application. This would help FHA make the case to DHCD that they should be allowed to re-issue an RFP for this property without the Affordability requirement of the last RFP.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to close hearing. Vote in favor.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to Deny the requested Special Permit due to:

- The proposal's potential negative effect on the neighborhood character of Pleasant St., since it adds density to an already dense residential area, and
- The proposed layout of parking spaces on a very tight lot would be unwieldy and there is a concern that residents of this dwelling would end up parking on an already crowded and narrow Pleasant St.

Vote 6-0 to Deny Special Permit.

Mr. Van Hazinga returned to the meeting.

Note: For the following agenda items, two separate Special Permit applications were filed for the same building; the Board decided to hear each separately:

Special Permit & Site Plan Review - Apical, Proposed Adult Use & Medical Cannabis Cultivation & Processing facility, 291 Westminster St.

Hearing opened. Present: Rebecca Adams & Steve Chaisson, AC3, LLC, Ron Stevenson, ZDS Architects, John Furman, P.E., VHB, Brian Horrigan, Panda Solutions (representing the owner of the building).

Rebecca briefly outlined the proposal to convert the 110,400 sq. ft. building into two separate cannabis cultivation facilities. Apical will be adding a 17,000 sq. ft. mezzanine between the 1st & 2nd floors, expanding the total bldg. area to 128,173 sq. ft.

Most of the information presented was common to both applications:

Apical: Will use 49,609 sq. ft. and will operate on two shifts: 6:00 a.m. - 3:00 p.m. and 4:00 -10:00 p.m. Approx. 35 employees on each shift. There will be a one hour buffer for the shift change.

Olde World Remedies: Including mezzanine to be built, total footprint is 78,564 sq. ft. Will also have two shifts, est. up to 70 employees per shift

Rebecca recapped the waivers requested of the Board:

1. Waiver of 300-foot buffer to residential uses – There are 10 parcels within a 300-foot radius, five of these are residential. (Board: Need to list individual addresses in the Waiver request, not just distances to the individual properties.)
2. Waiver of submitting a Development Impact Statement.
3. Waiver of submitting a full topo stormwater management plan since previously developed site.

Ron Stephenson reviewed floor plans with the Board. Apical will be in the portion marked “A”. Olde World will be in sections “B” & “C”. There will be complete renovation of all Mechanical, Electrical & Plumbing fixtures and complete separation between the businesses, separate fire alarms, security systems, and separate exits for each facility. No access possible from the Apical portion to the Olde World portion of the building.

Status of applications with Cannabis Control Commission: Apical has Provisional Licenses from the CCC for Cultivation in Chicopee and for Retail in Easthampton. Olde World has a Provisional License for Medical Retail in Lynn. They will be requesting a change of location. There will be no home deliveries from the Fitchburg site.

John Furman, VHB reviewed the site plan. 80 parking spaces are proposed which equals the minimum req'd plus + 15 spaces. There will be additional parking provided (including accessible spaces & bldg. entrance) at the rear of site. No work proposed in the 100-year floodplain, but they will need to file a Notice of Intent with Conservation Commission for work in the 200-foot Riverfront Area.

Their aim is to keep parking area gravel. Board: A “dust-free surface” is required by Zoning Ordinance. How could it be improved? Asphalt re-grind suggested. John will research & propose an alternative treatment of parking area.

Lighting plan will be re-done. The submitted plan may be overkill since their designer had assumed that there was no existing lighting on the site. New lights will be LED.

Bridge assessment done, but no documentation found of the reasoning for the posted 45 ton weight limit. They need to take destructive samples of the concrete abutment and steel beams. The actual safe load may be greater than 45 tons.

New water and gas lines will need to be provided from Westminster St. to the site, perhaps strapped to the underside of the bridge. Sewer connection will be videotaped to assess condition. New 3-phase power must be brought to building.

Applicant will need to research peak traffic times & sight distances at driveway entrance.

How make Pedestrian access safer? Perhaps install “Yield to Peds” signs. There will be a guard shack on the east side of the bridge to help control vehicles during the shift change.

Department comments reviewed. Applicants provided written responses to comments made by DPW.

Some Board comments:

Managing the site traffic during construction w/ heavy equipment may be an issue.

Status of Host Community Agreement? Research peak traffic times on Westminster St.

Show snow storage area on plan. Provide alternatives and improvements to proposed "gravel" parking & delineate spaces. Paint speed bumps on internal site driveway. Examine if guardrail needed along driveway near steep drop-off leading to upper parking lot.

Bridge access: Engineering review - Weight Limit? Will it accommodate the heaviest fire truck?

Repairs (planks on bridge) needed. Could bridge be made wider? Look into establishing MART bus stop near site. Consider possibility of shuttling employees from another satellite parking area in vans to lessen congestion at bridge.

Need Fire & Police Dept. feedback on the public safety access and proposed traffic operation over the bridge to the site.

Widen driveway access/aprons to Westminster St. Clear brush, etc. to improve sight distance.

Consider off-site improvements to repair/upgrade sidewalks along Westminster St.?

Ms. Caron: It is often standard practice for Special Permit conditions to include improvements to the property to enhance neighborhood safety or mobility issues that might arise as a result of this development.

Public Comment:

Noreen & George Nicholaou, 216 Roosevelt St. are concerned with the appearance of the large parking area, they have a good view of the entire site from their house. Suggested fencing at the edge of the parking lot. Concerned whether they'll hear noise from chillers & HVAC. Concern about impact on property values

Architect: HVAC systems not yet designed, but could be ground-mounted away from the street.

Ms. Nicholaou: Traffic is a concern, Weekdays 3:30 to 5:30 p.m. very busy. Would traffic light help? Would need to meet a signal warrant. .

Discussion on whether to close hearing or not. Some Board members felt there were additional information that needed to be obtained before a decision is made.

Ms. Caron suggested applicants look into the issues raised & come back w/ responses.

Bridge Assessment, traffic counts & times, areas of sidewalk that need repair, revised lighting plan.

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to continue hearing to Dec. 10th. Vote in favor.

Special Permit & Site Plan Review - Olde World Remedies, Proposed Adult Use & Medical Cannabis Cultivation & Processing facility, 291 Westminster St.

Hearing opened. Same applicants & representatives.

Ms. Caron is there any information regarding this application that hasn't already been touched on? No.

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to also continue this hearing to Dec. 10th. Vote in favor.

Mr. Horrigan, Panda Solutions: This will be about a \$25 Million investment, not including the purchase price of the land & bldg.

OTHER BUSINESS

Elm & Oliver Streets, municipal parking lot - Site Plan Approval extension request

No one present for this item. Motion made & seconded to grant an Extension of the Site Plan Approval to two years from this date. Vote 7-0 in favor.

(Informal) Oak Hill C.C. - proposed boulevard access off Shea St.

Jamie has asked earlier that this item be postponed to the December meeting. The Board agreed.

Walsh, Atlantic Ave., infill lot

Special Permit application has been submitted, however, this application was not included in the Legal Notice published for tonight's meeting. Lot also has frontage in the back on Lawrence St. Proposal is to split an 8,000 sq. ft. lot with frontage on Lawrence & leave a conforming 10,000 s.f. lot at 41 Atlantic Ave.

Board discussion: Board changed the infill lot rules & regulations a few years ago to not allow the division of a conforming parcel in order to create an infill lot. The infill lot provision was intended to allow the re-use of vacant, non-conforming demolition parcels that had been vacant for years. Relief from the minimum lot size reqm't should really be coming from the Board of Appeals.

Meeting Minutes

Minutes of the October 8th meeting were approved w/ several corrections.

COMMUNICATIONS

The Board welcomed Adam Costa who is up for appointment to the Board as an Associate Member. The appointment has been referred to the 11/19/19 Appointments Committee and then to the full City Council.

Game On

Mr. Hurley again asked for an update on the Game On project. There has been no work on site for a while. Why not have them come to December or January meeting to give an update?

Earlier today Atty. Tom Bovenzi has sent Tom a note that stated "*... a small amount of crushed stone was taken off the site by Powell Stone & Gravel. All other crushed stone taken off site was for the DPW. No further stone is expected to be removed from the site.*"

Motion made & seconded to adjourn. Vote in favor.
Meeting adjourned: 9:31 p.m.

Next meeting: December 10, 2019
Minutes approved: December 10, 2019