

**DRAFT FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, JULY 14, 2020**

NOTE: *This was a Virtual meeting on GoToSeminar due to the pandemic.*

MEMBERS PRESENT: Paula Caron, Chair
Paul Fontaine, Jr., Vice Chair
Alyne Butland
Laura O'Kane
Peter Capodagli
Amanda Koeck
Alex Lopez

STAFF: Mike O'Hara, Tom Skwierawski

CALL TO ORDER

Meeting called to order at 6:02 p.m.

ANR PLANS

None.

MINOR SPECIAL PERMIT MODIFICATIONS / EXTENSIONS

Site Plan Modification - Solar array, 885 Fisher Rd., add proposed battery storage (cont'd)

Discussion deferred, no one present for this item. EDF Renewables was to have discussed alternative locations for the proposed Battery Storage System.

#2019-9, The Fresh Connection, 175 Kimball St. Cannabis cultivation - one-year permit extension & approval of proposed co-tenant

Present: Will Seagaard.

Will is requesting an extension of the one-year period on his Special Permit, which was filed in the City Clerk's office 8/9/2019. They are in the design phase for submitting for building permits and plan to start construction in the coming months. Also, in conformance with a condition of the Special Permit, Will is requesting the Board's approval of an additional tenant - leasing office space to J.H. Lynch & Sons for a construction field office. They have the contract for constructing the Twin Cities Rail Trail. Mainly it will be used by the Mass DOT engineer and his team: 4 state inspectors, he will set aside 5 parking spaces for them. It will not be accessible to the public. No construction equipment nor stockpiling of materials will be on site. They expect to be leasing the space for about two years.

Motion made (Mr. Fontaine) & seconded (Ms. O'Kane) to Grant an extension of the Special Permit for another year to 8/9/2021. Vote 7-0 in favor.

Motion made (Mr. Fontaine) & seconded (Mr. Lopez) Approve the leasing of office space to the additional tenant, as discussed, for a two-year period. Vote 7-0 in favor.

#2017-1, Fitchburg Sports Complex Property Mgmt. LLC, 100 Game On Way, minor site plan updates and opening 3 playing fields prior to completion of off-site improvements

Present: Atty. Tom Bovenzi & Peter Sangermano, Fitchburg Soccer, Inc.

The applicants appreciated the Board reconsidering their request & being able to show the Board at site visits the progress that has been made since the last meeting.

His client wants to open ASAP. It will bring in some revenue, but also, it will allow them to go forward & demonstrate to their funding sources that they are generating some income. Atty. Bovenzi reviewed a 2 pg. memo dated 7/14/20 listing progress made on the items referred to in his 6/17/20 letter to the Board. The developer has an incentive to finish up. They are requesting to open Fields 5, 6, & 7 & only be able to be use them until 12/31/20 unless all other onsite & offsite improvements have been finished. If permitted, they plan to be open for small practices. They will be providing an as-bult plan of the three fields.

07/22/2020

Mayor DiNatale stressed the importance of the Game On project, they are very close to being finished.

Public comment:

Cassandra Cushing: If there have been no changes in the State's re-opening plan, why reopen now?

Tom: We are in Phase 3, Step 1 which allows some recreational activities.

Atty. Bovenzi: There have been material changes: Paving the access road, agreeing on opening the three fields for a limited time frame, as a performance guarantee. He feels that these changes warrant reconsideration by the Board.

David Tall, Alpha Rho, Industrial Rd.: Entrance sign at 2A has been hit & is fragile.

Nick Bosonetto, DPW Commissioner: Along with the FPD's Traffic Bureau he has inspected the streets signs installed and noted some problems in a 6/30/20 memo.

Applicant needs to take some signs down since they're not consistent w/ standards in the MUTCD (Manual on Uniform Traffic Control Devices), but they have made a good faith effort. He will work with the applicant to get the correct signs; they take some time to order.

Board comment:

Mr. Capodagli felt that the Applicants' first request was incomplete, but after seeing site, he sees how much work has been done & can see how a soft opening would be OK.

Mr. Fontaine: A small-scale opening can be a shake-down period to see what potential problems there are & what's needed to resolve them.

Ms. Koeck: OK with opening fields now. A self-imposed deadline is good.

Mr. Lopez agreed, we need to go forward.

Ms. Caron: A soft opening has its advantages.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to Approve the early opening of the fields 5, 6 & 7, according to conditions in Atty. Bovenzi's letter dated 6/17/20.

Roll call vote:

Fontaine: Yes. O'Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Lopez: Yes. Butland: Yes.
Vote 7-0 in favor.

PUBLIC HEARINGS

Scenic Road Act, 358 Williams Rd., Lot 13, partial removal of stone wall, EKC Development

Present: Jack Maloney, Ducharme & Dillis Civil Design Group.

Williams Road was designated by the City Council as a Scenic Road under MGL c. 40, Sec. 15C in 1976. Any removals of portions of stone walls, or trimming /removing Public Shade Trees need Planning Board approval, after a public hearing. The developer of this lot, Ken Chaplin, EKC Development, is proposing a break in the stone wall along the road for a 14-foot wide driveway to a proposed single-family house. The original proposed location for the driveway as shown on a Sewage Disposal System design plan dated 5/13/2020 would have required the removal of a live 30-inch diameter oak. After a site meeting with the engineer, the driveway location was revised to between that tree and another large tree further to the right (north).

Jack: The builder is OK with the revised location.

Board comment: Ms. Caron suggested that the stones that are to be removed should be used to make a 90-degree return (rounding), on either side of the break in the wall.

Public Comment: Nick Bosonetto, DPW Commissioner said that a street opening permit will be necessary from DPW. Jack acknowledged that they would apply, waiting for Planning Board approval first.

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

Motion made (Mr. Fontaine) & seconded (Ms. O'Kane) to the proposed removal of a portion of the stone wall with a condition that the driveway be relocated as discussed, and that the appropriate street opening permit be applied for from DPW.

Roll call vote:

Fontaine: Yes. O'Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Lopez: Yes. Butland: Yes.
Vote 7-0 in favor.

Special Permit & Site Plan Review - 226 Westminster Corp., Retail sales of Adult-Use Marijuana

Present: Atty Ian Hedges, representing applicant.

Hearing re-opened.

Applicant had submitted Request to Withdraw application Without Prejudice.

Atty. Hedges: Applicant was in negotiation with the abutter to the left (Wachusett Brewing) for additional parking, as discussed at the March 10th meeting. Since then the abutting property owner has put property on the market & negotiations fell through. After considering all the issues previously raised, the applicant has decided to withdraw.

Mr. Fontaine asked if the site could be cleaned up of brush, trash, etc.?

Atty. Hedges: The applicants would have been tenants, but they will ask the property owner.

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

Motion made (Mr. Fontaine) & seconded (Ms. O'Kane) to Accept the Leave to Withdraw.

Roll call vote:

Fontaine: Yes. O'Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Lopez: Yes. Butland: Yes.
Vote 7-0 in favor.

Special Permit & Site Plan Review - Cazard, 4,900 sq. ft. Self-Storage Facility, 34 Kimball Place
(postponed from 3/10/20)

Present: Sebastian Cazard, property owner, Chris Anderson, Hannigan Engineering.

Hearing opened. Chris presented plan & elevations of two proposed self-storage facilities (Bldg. 1: 2,750 sq. ft., Bldg. 2: 2,150 sq. ft.) on the same lot as an existing industrial building "North East Roads". Based on previous Dept. comments plan has been revised since the original January 2020 submission. Buildings will be tiered, at different elevations due to slope of site. Aisle width: 24-feet between bldgs. Hours of operation 8:00 a.m. to 6:00 p.m. 7 days week.

No connection to public water & sewer. Stormwater: Drainage system will incorporate a trench drain connected to underground stormwater recharge chambers. There will be a small amount of landscaping in two areas. Height of structures: 10-foot entrance door, approx. 16 feet to peak of roof. Wall pack lighting around buildings will provide security lighting.

Board comments:

Mr. Capodagli is concerned with look of the site from River St. It has the potential to be an entrance to the downtown.

Mr. Fontaine: Are there alternatives to the prefab metal?

They will check w/ the suppliers but self-storage structures such as this are typically prefab corrugated metal. Color TBD.

Ms. O'Kane: Need better signage to direct drivers to use correct the access driveway from River St.

Nick, DPW Commissioner: There's probably no reason for public to travel down Kimball Place now. Applicant should coordinate w/ DPW to install a better street sign for Kimball Place.

Board: Concerned w/ sufficient security lighting. Some areas won't be visible from street, additional lighting may be needed if they plan to be open during non-daylight hours.

Public Comments: Beth Romano, Victoria Lane: Could any other material be used besides corrugated metal?

Chris will be providing more info to DPW-Engineering on the stormwater O & M plan.

Motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to close the public hearing. Vote 7-0 in favor.
Discussion: Mr. Fontaine: Whatever applicant can do to improve the appearance of the façades of the structures would be appreciated.

Motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to Approve the Special Permit with conditions.

- Hours of operation limited to dawn to dusk unless additional security lighting is installed.
- Coordinate w/ DPW on street sign on River St. for Kimball Place.
- Provide additional landscaping on the River St. side.
- Subject to satisfactory review of the Stormwater Management O&M plan by DPW-Engineering.

Roll call vote:

Fontaine: Yes. O’Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Lopez: Yes. Butland: Yes.
Vote 7-0 in favor.

Special Permit & Site Plan Review - B.O.T. Realty, LLC, 223 Lunenburg St. - Retail sales of Adult-Use Cannabis (continued from 3/10/2020)

Present: Sean Morrison & Rob Wooten, applicants, Jaime Lewis, Compliance officer, Glenn Doher, Head of security, Andrew McClurg, Traffic consultant, Paul Sylvia, engineer, Ayoub Engineering.

Hearing re-opened.

Sean reviewed additional information that been submitted since the March meeting & walked thru floor plans.

Upon entering, security booth will check IDs, maximum of four customers in the waiting area at any one time. Upon reaching max. capacity in the retail area, people in waiting room will have to wait for a customer to leave. There will be five POS counters. They’ll comply w/ Mass. Covid precautions once inside: masks, 6-foot distancing, sanitize surfaces every 30 mins.

Hours of operation? Sean: 11:00 a.m. - 8:00 p.m., consistent w/ the hours of other approved cannabis retailers.

Timeline? Sean: After receiving Special Permit, they’ll negotiate a Host Community Agreement w/ City and apply to CCC.

Site plan & landscaping plan discussed. Plan now better defines the driveway entrances & exits and traffic circulation through the site.

There will be an inside and outside security guard on site at all times. The outside guard can resolve any issues on circulation thru the site, trucks going to adjacent fuel delivery site to rear, etc.

Ms. Caron read comments from Capt. Lemay, Fitchburg P.D. dated 7/14/20. FPD finds that the applicant has met the minimum security provisions required by the CCC. FPD reserves final approval until they have the opportunity to do a walk-thru upon build-out prior to the retail location’s opening.

Board comments:

Mc. Caron: will need a written agreement with landlord for the use of the adjacent parcels (donut shop, etc.) for shared parking.

Public Comments:

Nick, DPW Commissioner: DPW has no major concerns with parking on site.

Motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to close the public hearing. Vote 7-0 in favor.

Board discussion:

Ms. Caron Paula a benefit of the proposal is that it would clean up an eyesore on Lunenburg St. They have come a long way since the initial submission.

Ms. O’Kane: Pedestrian crossing on the side street - - how to make that safe long term? There needs to be security monitoring that 7 days a week, from opening until last employee leaves.

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

- Subject to submittal of long-term lease agreement (or acquisition in fee) for use of shared parking on adjacent parcels.
- Fitchburg P.D. approval of security plan.
- Full-time security person on site outside whenever store is open until the last employee leaves.
- Subject to satisfying any Departmental comments.
- Compliance with DPW Commissioner's comments regarding repair to Garland St.
- Fence to be repaired from (?) down to Summit St.

Roll call vote:

Fontaine: Yes. O'Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Lopez: Yes. Butland: Yes.
Vote 7-0 in favor.

Special Permit & Site Plan Review - Marchetti Industries, LLC, Retail sales of Adult-Use Marijuana, 50 Whalon St. (cont'd from 3/10/20)

Present: Mike Marchetti, Dr. Arnold Watkin, Scott Morrissey, Red Line Wall Systems, Atty. Peter Silberstein, Tina Dumais, Andrew McClurg, engineer, Justin Leclair, McCarty Engineering.
Hearing re-opened.

Ms. Caron reviewed some of the plan revisions since the March 10 meeting submitted in the additional packet dated 5/18/20.

All deliveries will be to the front of the building, six parking spaces will be reserved for the pediatric dentistry office in Unit A, retaining wall in front of the building will be shortened, so no long lines of customers waiting outside, flop plan has been revised to include a larger bullpen/waiting room, ATM has been relocated from the adjacent Unit B to Unit C.

Mr. Fontaine suggested paving an overlay course for the 1st 100-200 feet of South St. from the intersection w/ Whalon St. southerly, to the driveway of the second house (#1039 South St.). That section is really deteriorated, and it will be used by customers taking a right turn exiting 50 Whalon St. and then taking a left on South St. to get back to Rt. 2.
Mike & Scott are OK with that condition.
Hours of operation will be 10:00 a.m. - 8:00 p.m. seven days a week.

Board comments:

Ms. Caron: Supplemental materials submitted were very thorough.

Public Comments: None.

Motion made (Mr. Fontaine) & seconded (Ms. O'Kane) to close the public hearing. Vote 7-0 in favor.

Motion made (Mr. Fontaine) & seconded (Ms. O'Kane) to Approve the Special Permit with conditions.

- Standard Retail Cannabis Special Permit conditions
- Site and floor plans as revised in 5/18/20 additional materials
- Submittal of Host Community Agreement
- Hours: 10 a.m. – 8 p.m., seven days a week.
- Repaving section of South St. as discussed
- Install right-turn only sign exiting site.

Roll call vote:

Fontaine: Yes. O'Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Lopez: Yes. Butland: Yes.
Vote 7-0 in favor.

(... Audible sigh of relief from Board.)

Zoning Ordinance update

Tom gave brief update on status of the pending zoning revisions including revising the sign section and parking sections. Office hours are been held every week to solicit comments. The next Zoning Advisory committee meeting will be Weds. July 22.

Game on – Industrial Rd.

Mr. Fontaine suggested that the Planning Office coordinate with the DPW ASAP to come up with a plan for improving sections of the road, so that once the \$100,000 contribution has been received from the applicant per the Special Permit condition, together with Chap. 90 funds, timely improvements can be made to the street.

MINUTES

Action on minutes of the June 16th & 30th meetings deferred.

Motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to adjourn. Vote in favor.
Meeting adjourned: 9:11 p.m.

Next meeting: Tuesday, August 4th, 2020