

**DRAFT FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, MAY 14, 2019**

MEMBERS PRESENT: Paula Caron, Chair (7:20 p.m.) Peter Capodagli
Paul Fontaine, Jr. Mike Hurley
Laura O’Kane Amanda Koeck (Assoc. Member)

STAFF: Mike O’Hara, Mary Jo Bohart, Tom Skwierawski

Call to Order

Meeting called to order at 6:00 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St. Mr. Fontaine (Vice-Chair) ran the meeting until Ms. Caron’s arrival @ 7:20 p.m.

ANR PLANS

Adams R&R, LLC, Williams Rd.

Six conforming lots are proposed to be split from an 80 ac. parcel @ 112 Sheldon Rd. The Board endorsed the plan.

Adams R&R, LLC, McIntire Rd.

Initially, ten frontage lots had been proposed along the entire length of this parcel’s McIntire Rd. frontage, but the street frontage for four of the lots are on an impassible (cart road) portion of McIntire Rd. The surveyor later added a note to the plan stating: *“Lots 1-4 are not building lots until portions of McIntire Road are improved to City of Fitchburg standards for roadway construction.”* The Board endorsed the plan.

City Storage, 655 Water St.

Adjusting the lot line between two lots in the same ownership. The new property line basically follows the top of the slope between City Storage lot and a vacant lot fronting on Lancaster St., all in the CBD district. The Board endorsed the plan.

Fanelli, 600 Pearl Hill Rd.

Splitting off a 2.73 acre “Rear Lot” (per Sec. 181.74 of Ordinance) from a 58 ac. parcel that Fanelli had acquired recently from Lanni Orchards to be used as a single house lot. The parcel has the req’d circle w/ a diameter of 175 feet. The Board endorsed the plan.

Gariepy 128-132 Rollstone St. / 206 Kimball St.

Carving off a 328 sq. ft. triangle of the Kimball St. parcel to convey to abutter on Rollstone St. That triangle has the driveway for 128 Rollstone St. that has been used for years. The Board endorsed the plan.

MINOR SITE PLAN REVIEW

City Hall Campus, 700-718 Main St. – revisions

AJ Tourigny, Mayor’s office & Ned Collier, ICON Architects present.

Ned explained proposed minor changes to the plan: The limit of work edge now ends at the existing granite curb, with the exception of the sidewalk bump-out in front of 718 Main St.; surface has been changed to asphalt beyond the Main Street sidewalk, part of sidewalk changed from concrete pavers to concrete; drive-through at 700 Main St. will be demolished and the building squared off.

Motion made & seconded to Approve this Minor modification to Site Plan. Vote 5-0 in favor.

Pope Solar, 860 Fisher Rd., revisions to Solar Array

Doug Pope, Pope Solar, Stella Kim from NESG & Jamie Rheault, Whitman & Bingham present.

Jamie recapped history of proposed development on this site, formerly an approved 20-lot subdivision. Most recent approval was for a 3 MW solar array for NH Solar Garden. NESG & Pope Solar is acquiring both this and the project across the street at 885 Fisher. They will be developed together as a single project, which justifies the cost of extending three-phase power to the site.

Array is proposed to be downsized to 1.62 MW. Total parcel: 20 Ac. Fenced-in area to decrease from 9.75 ac. to 6.84 ac., smaller disturbed area, fewer panels (6,000), and smaller stormwater detention basin. Motion made & seconded to Approve this Minor modification to Site Plan. Vote 5-0 in favor

Hollis Hills Farm, 885 Fisher Rd., revisions to Solar Array

Doug Pope explained revisions. The size of the array will be decreased, down to 1.84 MW. The panels at the southerly end of the site have been eliminated.

Project revisions due to this site not qualifying for the State's Agricultural Solar program since land not in Ch. 61, nor prime agricultural soils. Now it's a conventional solar project, not as large as the previous dual use project. Hollis Hills can still use the fenced-in area of the solar array as pasture, but for sheep, not cows.

Mr. Hurley: Since this was approved by the Board as an Agricultural Solar array, there should be another public hearing to modify it. It's not a minor amendment.

Motion made (Mr. Hurley) to consider this revision a Major Modification. No second.

Mr. Fontaine: The previously approved use doesn't change (still solar) and the proposed area being impacted is smaller. The proposal is believed to be a minor change.

Motion made & seconded to Approve this Minor Modification to Site Plan. Vote 4-1 in favor.

Montouri Oil Co. (Happy Gas), 652 Water St., Fuel Storage increase

Mike Montouri & Patrick Slattery, architect present. Pat presented plans proposing to increase underground fuel storage capacity from 24,000 gals. to 30,000 gals. Two 6,000 gal. tanks will be removed and replaced with a 5,000 gal. and a 10,000 gal. tank. No changes to the gas pumps, canopies nor building will take place. This site has been a gas station since the 1940s.

Motion made & seconded to Approve this Minor Modification to Site Plan. Vote 5-0 in favor.

Doughboys, 150 Main St. - Outdoor Seating

Mary Jo Bohart, Economic Development Director presented on behalf of applicant. Outdoor seating area approx. 22' x 16' fenced in area – same as previous restaurant.

Motion made (Mr. Van Hazinga) & seconded (Ms. O'Kane) to Approve this Minor Site Plan.

Vote 5-0 in favor.

PUBLIC HEARINGS

Special Permit & Site Plan Review - ACT Labs, Independent Cannabis Testing Lab, 131 John Fitch Hwy.
Hearing Opened. Logan Morse, ACT labs presented proposal. Will be using site of the former "Sunsations" tanning salon. ACT Labs currently has locations in four other states & they plan to expand to five more. Estimated build-out 8 weeks, while waiting for CCC approval. There will be cameras at front door, double vestibules w/ key card entry only. Only employees will be allowed in bldg.

ACT employees go to sites to pick up random samples. Their average sample size is .35 grams (sandwich bag size). They will have two vans. JFH site will have 7 designated parking spaces for ACT Labs.

Hours will depend on demand, but likely M-F 8:00 - 5:00 to start and maybe more. Initially will have 4 employees to start & expand to about 10.

Public comment:

Mary Jo: The City supports this use, they will do well with the number of grow facilities already in Fitchburg. Capt. Lemay, Fitchburg P.D. asked about Lab's waste materials. Logan: Their cannabis waste is devoid of the active ingredients and is stored in secure 55 gal. drums inside the building & picked up as needed.

Fire Prevention: If the use expands to beyond their initial space, they request that the entire building be sprinklered & the applicant noted that they are OK with this being a Special Permit condition for future reference in the event of expansion (FFD asked for the condition to be "on record")

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

Motion made (Mr. Van Hazinga) & seconded (Mr. Capodagli) to Approve the Special Permit and grant a Waiver from the 300-foot buffer requirement to the adjacent St. Bernard's playing fields, with conditions:

- If expansion beyond initial footprint, entire building shall be sprinklered
- Reserve two loading spaces in parking lot for Act Labs vans

Vote 6-0 in favor.

Ms. Caron arrived 7:20 p.m.

Site Plan Review - Native Sun Wellness, expanding to cultivation/processing of Adult-Use Marijuana, 140 Industrial Rd.

Hearing opened. Michael Drayer, NSW Director of Cultivation, Jamie Rheault, W&B & Atty. Phil Silverman, Vicente Sederberg present.

Michael & Jamie: NSW rec'd Special Permit last year (#2018-17) to grow/process Medical Marijuana. NSW is seeking Site Plan Approval to expand to cultivation/processing of recreational cannabis, as an "Experienced Operator", per Sec. 181.6542 of the Ordinance. Adding Adult Use is an important factor in raising the capital to make the project a reality.

Board comments:

Work to date? They have started on power upgrades to building, and have started to separate the 140 Industrial Rd. building from the adjacent Moduform building at 172 Industrial Rd.

Timetable? Michael estimates 3-6 months to really get going on site work. Their application is pending with the CCC.

Q: Any changes to the building or floor plan with adding Adult Use? No, it will only allow them to also produce for adult use retailers. They have a retail location pending in Hudson.

Grow canopy 40,000 sq. ft. Total building footprint: 70,000 sq. ft.

Their Host Community Agreement for cultivating medical marijuana also covers non-medical.

NSW will lease the space from a landlord parent company.

NSW not interested in a retail location here now. Deliveries between ME's are allowed.

Condition suggested: If Home Delivery is ever allowed in future by CCC, it will be subject to further Planning Board approval.

Public comments:

Melanie Weeks (Monty Tech representative): At their meeting w/ Monty Tech School Board a few months ago, NSW had stated that they would never have a retail location at Industrial Rd. site.

Mary Jo Bohart, Economic Development Director: Is Moduform staying on as a tenant in the rest of the building? Yes, for the time being.

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

Motion made (Mr. Van Hazinga) & seconded (Mr. Hurley) to Approve the Site Plan, subject to:

- Conditions to mirror typical/existing adult use cultivation facilities
- File disclosure forms & releases for background checks.

Vote 7-0 in favor.

Special Permit & Site Plan Review - The Fresh Connection-Boston, cultivation/processing of Adult-Use Marijuana, 175 Kimball St.

Hearing opened. Will Seagaard & Samantha Seagaard present. Will explained plans to use the bottom floor of 175 Kimball for a Tier II (max. 10,000 sq. ft. grow canopy) cannabis cultivation facility. Phase I will have a 2,100 sq. ft. grow canopy. They will expand to 5,000 - 10,000 sq. ft.

Building is three stories, 300 feet long. FATV will still lease the entire? 2nd floor. No other tenants will be in the building. Fire Prevention has done several walk-throughs of the building; sprinkler heads need to be replaced.

Access to grow facility is only thru the main entry. Entire site will be fenced in. The wall facing the railroad tracks has no windows. Steep rocky slope from the rear of the site down to the RR tracks. Board reviewed plan with the 300-foot buffer delineated showing all protected uses within 300'. There are 17 residential uses on Kimball St. & Rollstone St. and one church within the 300-foot radius. The nearest residential parcel is 60 feet away.

They expect 5-6 employees to start, expanding to 12 on the largest shift.

Host Community Agreement has been finalized, permission for background checks have been submitted.

Public Comment:

Capt. Lemay: Fitchburg P.D. - No issues w/ FPD.

Q: Odor control? They will use positive air pressure & charcoal filters in order to keep odors from leaving building. Timeline? They hope to be open by 2020.

Mr. Fontaine suggested clearing out overgrown vegetation at the corner of Kimball & Rollstone. DPW commented they they're interested in a drainage easement from the applicant.

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

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to Approve a Special Permit, subject to:

- Usual Cannabis grow facility Special Permit conditions.
- Clearing out overgrown vegetation & invasives at the corner of Kimball & Rollstone.

And also granting a waiver from the 300-foot buffer requirement in Section 181.656.

Vote 7-0 in favor.

Proposed Zoning Amendment - Amending the Table of Principal Uses concerning Medical Offices/uses (continued from 4/9/19)

Hearing re-opened. After some discussion, Board agreed: Request Law Dept. come up with an amendment with following criteria:

- Define "substance abuse clinic" and list in the Table of Principal Uses
- Focus on the impacts of the facility (long lines, congestion).
- Establish a minimum buffer to similar uses and to residential uses.
- Prohibit this use in the CBD.

Proposed Zoning Amendment - Replace existing Sec. 181. 87, Smart Growth Overlay District (40R) with entirely new section

Hearing continued to next month's meeting.

OTHER BUSINESS

Community Health Connections, improvements to Drepanos Drive (cont'd from 4/9/19)

No one present for this item.

Initiate Large-Scale solar Zoning Amendment

Discussion on establishing some performance standards for these types of uses and/or requiring a Special Permit. They are currently permitted by right, subject to Site Plan Review, but it's difficult to deny a Site Plan Approval. Allowing by Special Permit would let Board to put conditions on approval and/or deny.

Issues with the use:

- Need minimum buffer from adjoining residential uses, establish a maximum parcel size / MW size / land disturbance for a project.
- Include in Use Table
- Slope stabilization
- Location of inverters.
- Establish a maximum dB level of the inverters at the property line.

Doug Pope has some comments from the solar industry's point of view. He'd prefer they're permitted by right.

Meeting Minutes

Minutes of April 9th meeting approved w/ several corrections.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 9:15 p.m.

Next meeting: June 11th