

**Rev. 2/10/21 DRAFT FITCHBURG PLANNING BOARD MEETING MINUTES  
THURSDAY, JANUARY 25, 2021**

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

**MEMBERS PRESENT:** Paula Caron, Chair      Paul Fontaine, Jr., Vice Chair  
Peter Capodagli      Alyne Butland  
Amanda Koeck      Alex Lopez  
Laura O’Kane      Tracey McGrath (Associate member)

**STAFF:** Mike O’Hara, Tom Skwierawski

**CALL TO ORDER**

Meeting called to order at 6:18 p.m.

**PUBLIC HEARING**

Zoning Ordinance Update: Phase 2, Bundle 2

Hearing opened. Russ Burke of the BSC Group, assisting with the Zoning update, also present.

The Board considered the proposed amendments in the following order and took each one up separately:

- Adding Farmers’ Markets as a Principal Use.
- Adopting a section on Agriculture and Agricultural Related Activities.
- Amending Dimensional requirements of the Residence C district.
- Amending the Infill Lot and Accessory Dwelling Units section.
- Adopting regulations on Drive-Through Facilities.
- Adopting a definition and regulations on multi-family developments.
- Amending the signs and advertising devices section.
- Amending the off-street parking section.

1. Farmers’ Markets:

Farmer’s Markets are to be allowed by right as both a Principal and an Accessory use in Commercial Districts & by special permit in R districts. One parking space req’d unless located in the Downtown Business District. Markets must have at least one stall that takes SNAP, WIC, etc. as payments. If located in a permanent structure a Farmer’s Market will need site plan approval.

Public comments;

Ayn Yeagle, Exec. Director, Growing Places wanted clarification on where Commercial & Industrial zoning districts are. Re: “... *must adhere to all of the applicable laws*”. Can the laws/regs be listed in the Ordinance? Would be unwieldy, better to just to put an applicant on notice that there are other approvals besides Zoning to obtain.

Mr. Capodagli: Could sales of nonfood items (i.e. arts & crafts) be allowed at a Farmers’ Market? Yes, but 75% of items must be food items.

Mr. Fontaine: Would this apply to sales from a farm? No, farms are exempted uses. Good idea to encourage markets to accept SNAP, etc. payment, but could this be administered under the Market’s operating procedures? It was suggested adding to 181.6823 that accepting SNAP, etc. payments is strongly encouraged.

Board discussion on procedure: Board will be making a recommendation that they agree in principle to the current language, but subject to potential future modifications by the Fitchburg Farmers’ Market Advisory Committee before it goes to Legislative Affairs Committee.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0.

## 2. Agriculture and Agricultural Related Activities

Purpose: To expand what is allowed as Agricultural uses by adding new definitions to insure that uses that may not fall under the strict definition of exempt Agricultural uses are allowed in Fitchburg.

Q: Why needed when MGL 40A, s. 3 has an exemption for Agricultural uses?

Tom: That exemption applies only to parcels > 5 acres. This section would expand the definition of Agricultural uses to be broader than Ch. 40A to include Agri-commercial, Agri-entertainment, Agri-tourism, & Farm Enterprise & Container Farming.

Ms. Caron had some clarifications on some definitions, including deleting "domesticated animals". Also, it was suggested that Container Farming should require site plan review.

Motion made (Mr. Fontaine) & seconded (Mr. Koeck) to recommend in favor of this amendment as discussed. Vote 7-0.

## 3. Signs

The existing Sign section is proposed to be modified to emphasize regulations on signs by District, rather than by Uses. Board had questions on Sandwich Board signs. Projecting signs in the Downtown Business district to be treated differently than in the Commercial District.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0.

## 4. Accessory Dwelling Units

Revisions to current Accessory Apartment section include allowing ADUs by right in RR & RA districts, and by Special Permit in RB. Also, the requirement that these types of Special Permits expire after five years and need to be re-applied for has been eliminated. However, the Bldg. Commissioner may revoke an Occupancy if it is determined the Accessory Dwelling Unit no longer complies with the provisions of this section and/or the conditions of an existing special permit. Russ suggested that an owner of a property with an ADU could be required to disclose these conditions to a future buyer.

Public comment:

Councilor Squallia questioned why the limit of 15% of the gross floor area of the principal dwelling? This seems too restrictive.

Since there's no definition of "gross floor area" in the existing Ordinance, Russ suggested adding wording such as "for the purposes of this section, gross floor area shall mean only net habitable area", less storage space, attics, etc.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed & revised. Vote 7-0.

## 5. Residence C district

Proposed changes in dimensional requirements to reduce lot size in RC from 10,000 sq. ft. & 75 feet frontage to 7,500 sq. ft. & 50 feet frontage, and reduce setbacks from 25 ft. front, 15 ft. side, 30 ft. rear to 20/10/20. Also have max. height 36 ft. However, smaller lots held in common ownership can be rearranged into a lot for a single-family dwelling w/ a minimum of 5,000 sq. ft. upon a determination by the Planning Board that the standards in Sec. 181.414 are met.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0 in favor.

## 6. Infill Lots

It was noted that if the RC amendment passed, this section would need to be revised to eliminate infill lots in the RC district. The FSU district has been eliminated from this section.

Agreed to delete paragraph (d.) to strike "nonconforming lots may be reconfigured."

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to recommend in favor of this amendment as discussed. Vote 7-0.

#### 7. Multi-family developments:

Tom: One purpose is to resolve the multifamily density issue (max. 6 units/acre) in the current Ordinance New section for development of >4 units. Keep multifamily in the Use Table as Special Permit (PB) but establish general guidelines for multifamily developments.

Density limited to 5,000 sq. ft. per unit. Parking: 1½ spaces per unit, but waivers are allowed.

Buffer of 50 feet req'd between bldgs., but there is a waiver provision.

Use Smart Growth principles. Establish design standards.

Q: Would Non-residential Uses be allowed?

Russ: Mixed-use would be OK. Non-residential uses allowed as long they are also allowed as a principal or accessory use in the applicable district, by right or by Planning Board special permit, and only if the non-residential use is deemed by the Planning Board to be compatible with the multifamily use.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0.

#### 8. Drive-Through Facilities

This amendment establishes performance standards, queue length, and other regulations for Drive-thrus. A traffic impact study could be req'd by the Board if deemed necessary. These standards will be administered during site plan review.

No Board comments.

Motion made (Mr. Fontaine) & seconded (Mr. Lopez) to recommend in favor of this amendment as discussed. Vote 7-0.

#### 9. Off-street parking

Amendment revises some parking ratios for some uses. Agreed: If parking calculation results in a fractional space, round to the nearest whole number. Parking waiver – clarifies what can be waived.

Discussion on adding a provision that as part of Site Plan Review, waivers can be allowed by the Board with input from applicable City Depts. (PD, FD, DPW, Bldg.)

Wording in existing parking table on # of spaces "... as determined by the Building Commissioner" has been revised to "... at the discretion of the Planning Board." Minimum driveway width reduced to eight feet.

Board comments: Make sure the req'd parking setback mentioned (3 feet) matches the wording in other sections of then Z.O.

Discussion on various uses in parking table.

Required parking for multifamily has been revised to 1 space per 1-BR unit, 1.5 spaces per 2-BR unit, etc.

Wording of "3 spaces per 1,000 sq. ft." has been revised to read "1 space per 300 sq. ft."

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to recommend in favor of this amendment as discussed & revised. Vote 7-0.

#### **OTHER BUSINESS**

None.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 10:31 p.m.

Next meeting: February 9, 2021