

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, FEBRUARY 14, 2017**

MEMBERS PRESENT: Paula Caron, Chair
Mike DiPietro
Paul Fontaine, Jr.
Mike Hurley
Andrew Van Hazinga
Laura O’Kane (6)

PLANNING OFFICE: Mike O’Hara
Steffani Santiago
Liz Murphy
Sue Christensen

Call to Order

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

ANR plans

Bean, Stewart Rd.

A 1.7 acre lot w/ 260 feet frontage on Stewart Rd. to be split off from parcel. Remainder is 2.2 acres. Michael O’Hara provided the Board with copies of the ANR plan prepared by David E. Ross Associates, Inc., titled “Plan of Land in Fitchburg, Mass. Owned by Jeffrey A. & Karen V. Bean prepared for Benjamin Bean & Michelle DiCastro”. Mr. O’Hara gave a brief description of Form A proposal. Board had no questions. The Board signed the ANR plan.

MINOR SITE PLAN REVIEW

- Active Life Health Care Mgmt., 783 Water St. - change of use to Adult Day Care

Applicant, Vladimir Giterman; business partner, Zack Tassen; property owner, Richard Aronovitz and Jamie Rheault, P. E. Whitman & Bingham Associates, present.

Jamie Rheault presented plan for proposed adult day care center. Mr. Rheault advised Board that ZBA issued Special Permit with conditions. ZBA Decision not yet available, so the Board was not privy to ZBA conditions. Mr. Rheault showed proposed parking areas for Adult Day Care employees, patients, drop offs, overnight transport van parking, La Reyna restaurant (current tenant, far right of building) additional parking for future tenant of the left portion of the building (currently vacant).

Zack Tassen: Advised the Board they have two similar facilities in Lowell, MA. There will be a six-hour program for elders and handicapped persons 21+. The patients at their current facilities are predominantly 65+ (about 90%). Patients can be picked up from their homes via van transport. Pick-up starts 6:00-6:30 a.m. and patients are dropped off to facility between 8:00 a.m.-8:30 a.m. Program is six hours a day (7:00 a.m. - 3:00 p.m.) five days a week. Patients are fed three meals (breakfast, lunch and a snack). Patients are given their meds, attend activities, are transported to doctor’s appointments, and taken shopping, etc. They will hire 40-50 local people to fill required jobs at facility. They will also contract will local restaurants for food.

Ms. Caron: Would like to see concrete curbs placed at parking in the front of the building as a barrier. Also light posts need to be replaced. Would like to see landscaping around sign or at the berm and entrance areas.

Mr. Giterman: Light posts will be taken down in their entirety and replaced.

Mr. Rheault: Raised planters will be placed at façade of proposed facility. As a condition, ZBA will conduct a 9-month review on 10/10/17 to address additional landscaping.

Mr. Fontaine: Is concerned cars may park too close to building if there is no barrier and that flower boxes may impede pedestrian walking or cars parking.

Mr. Rheault: Curb stops could be placed on parking spaces abutting building.

Mr. Fontaine: Will parking lot be restriped? Will damaged pavement be fixed/repaved?

Mr. Aronovitz: Yes, parking lot will be restriped. Mr. Rheault: Yes, damaged pavement will be fixed.

Ms. Caron: Expected timeline to start? What improvements will be done to building before Adult Day Care is up and running?

Mr. Aronovitz: He plans to repair what is currently damaged and update façade as funds permit.

Will repair what is already there prior to move in.

Mr. Tassen: Plan to hopefully be up and running in about five to six months, still waiting on bids from contractors.

Q: Will patient opening be available to only Fitchburg residents?

Mr. Tassen: Fitchburg residents and abutting Cities and Towns.

Ms. Caron: Where will dumpsters be placed for the restaurant and Adult Day Care Center?

Mr. Rheault: Behind the building.

Mr. Van Hazinga: Pointed out a concern regarding parking to the right of La Reyna marked "Additional Parking - 9 spaces". Aisle width looks too narrow. Would like to see parking restriped and confirm there is adequate aisle width.

Mr. Hurley: Happy to see a new business on the property and building occupied. Would like to see a plan for the building façade updates. Wants more than boards replaced and a little paint.

Mr. Van Hazinga & Ms. Caron agreed.

Mr. Aronovitz: Does not want to make any improvements to the un-rented portion of the building (left end of building) until leased to a new tenant. Once a new tenant is in that portion of the building it will be updated to accommodate new tenant's business.

Mr. Fontaine: Concerned of the look of the whole building not just the unrented portion.

Mrs. O'Kane: Will signage be replaced? Mr. Aronovitz: Yes.

Ms. Caron & Mr. Fontaine: Would like to see berm and area around signage landscaped, i.e., mulched with annuals.

Mr. Aronovitz: Agreed. Sounds reasonable.

Mr. Hurley: Concerned there is not a clear understanding of what improvements will be made to the building. Water Street is a gateway street to the City and while he is happy to see the building being occupied and a new business come into the City, he feels the façade needs to be improved not just repaired.

Mr. Fontaine: Proposed a condition be made to repair the current façade as needed and do a 9-month review. Once the Adult Day Care is up and running and the owner has cash flow, further improvements can be discussed and implemented.

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve Site Plan w/ conditions:

- Re-stripe parking spaces & end lines and install curb stops on spaces abutting building so that no parking encroaches pedestrian walkway.
- Repair parking lot.
- Re-align curb stops along Water Street.
- Repair façade.
- Remove street light post and replace with new light posts.
- Provide adequate aisle width between spaces identified as "Additional Parking - 9 spaces" on ANR Plan to the right of the building.
- 9 month review of site to reevaluate parking, landscape and façade to make further improvements.

Vote in favor.

- 50 Whalon St. (adjacent to Watkins Dental) - medical offices, minor modification

Patrick McCarty, P.E., reviewed prior approved plans and explained Whalon II, LLC purchased additional land and determined it was not cost effective to construct a two-story building. Current modifications include a single story 8,960 SF medical/professional building with 44 parking spaces. The layout of utilities and below grade infiltration/detention basin has also been modified. Applicant is ready to start construction and plans to obtain building permit once modified site plan has been approved. Will use same landscaping, lighting and EIFS cladding as Watkins Dental building. Owner is determined to have no retail tenants.

Mr. O'Hara: Single tenant? Mr. McCarty: Multiple office spaces will be available.

Ms. Caron: Windows in the front of the building? Mr. McCarty: Yes. Same as Watkins Dental.
Mrs. O'Kane: What is the snow removal procedure?
Mr. McCarty: Showed location on plan for snow storage. Snow will be taken off site if need be.
Mr. O'Hara: Was trench drain installed at the end of the driveway?
Mr. McCarty: Water quality units/trench drain not installed as part of Watkins Dental bldg. as they were waiting to start construction on Phase II. They will be installed as part of this phase.

Motion made (Mr. Van Hazinga) & seconded (Ms. Caron) to Approve Site Plan. Vote in favor.

PUBLIC HEARINGS

Special Permit & Site Plan Review - NS AJO Holdings, Inc., Medical Marijuana cultivation/processing, 20 Authority Drive

Present:

Attorney Michael P. Ross, Prince Lobel Tye, LLP

Aidan O'Donovan, Founder and Chief Operating Officer of NS AJO Holdings, Inc.

Daniel Linskey, Managing Director of Boston Office Kroll Associates, Inc.

Atty. Michael Ross, providing legal representation for NS AJO Holdings, advised the Board there were small changes to supplemental information on the site plan previously provided. Confusion regarding property line has been resolved. Parcel to be conveyed will be about 4¼ acres, not 5 acres as previously thought. Site can still accommodate the same parking as indicated on site plan. Atty. Ross spoke with current land owner, Atty. Tom Bovenzi and Engineer regarding acreage and curb cut on abutting parcel, which will be cleaned up if necessary. Mr. Bovenzi advised Mr. O'Donovan that Geosearch (industrial firm currently occupying the building) will be moving from site and has assured Mr. O'Donovan that there will be no layoffs due to move. Atty. Ross circulated a plan outlining the 300-foot buffer zone from the facility and the several Residential Uses within it. The Board would need to grant a waiver of the 300-foot requirement.

Mr. Linskey, Managing Director of Kroll Associates who will be providing security to the facility is a former Boston Police Department superintendent-in-chief and a 27 year veteran of the force. There will be 24/7 security on site as well as security cameras that will cover every square foot of the facility. Fitchburg Police will be able to log-in to the camera security system at any time. He planned to work closely with Chief Martineau to familiarize the Police Department with the security system, so they will be able to navigate the system with ease.

Mr. O'Donovan expressed he takes security very seriously. NS AJO is investing millions of dollars in this endeavor and assured the Board that security is a high priority. Audit procedures will be implemented to ensure compliance with rules and regulations.

Mr. Van Hazinga questioned if the back portion of the building would be gated in.

Mr. O'Donovan advised he planned to use that area as employee parking. However, is willing to enclose the area with a gate if the City wished. The applicant intends to implement every security measure but keep the outside appearance of the facility from looking like a fortress and drawing unwanted attention.

Mr. Van Hazinga: Will there be an outdoor loading area?

Mr. O'Donovan: Yes, in the rear of the building near where docks are now.

Discussion regarding chain link fence that is near front of the property. Unsure if the fence is on Mass Highway property. Mr. O'Donovan has spoken with Mr. Tourigny, Mayor DiNatale's Chief of Staff and City Solicitor, Vincent Pusateri, Jr., and have agreed should the fence be on property to be conveyed to applicant, the current fence will be removed and replaced with either adult trees or a wrought iron fence.

Mr. Van Hazinga: Will NS AJO sublet any portion of the building?

Mr. O'Donovan: No intention of subdividing. NS AJO will not use the entire space, but plans to be the sole tenant.

Mr. Van Hazinga: Number of employees?

Mr. O'Donovan: While facility is starting to get up and running, about 40 employees. Each phase of completion will add an additional 15 to 25 employees. At full capacity, anywhere from 70 to 80 employees. The facility working hours will be either 9:00 a.m. - 10:00 p.m. or 8:00 a.m. - 9:00 p.m.

There is currently no deadline for completion of the facility. The facility will not start any construction until license is granted. The size of the growing facility will be 50,000 SF.

Mr. O'Donovan advised that his company is currently in the process of seeking approvals for dispensaries in Watertown, Medford, Lynn and Brockton. If they are unsuccessful in their attempts to obtain permits in those cities he would consider starting the permitting process for a dispensary in Fitchburg. Further discussion regarding facility's future potential which could include growing recreational marijuana and/or possible development of dispensary within the building.

Ms. Caron inquired as to whether there would be cash on site and payment procedure for employees.

Mr. O'Donovan advised that cash would not be on site. They have already contracted with Century Bank.

Ms. Caron asked about quality control procedure.

Mr. O'Donovan: A sample is tested from every package. Each package contains its own barcode which is monitored by the State. 48 hours after sample is tested it is cleared and sent to dispensary.

He believes as more dispensaries open, more testing facilities will open. Regulations require plant waste (of which there is very little) must be mulched and rendered unrecognizable. The waste becomes compost. The plant waste is taken away from the site by a third-party on a weekly/biweekly basis.

Mr. Van Hazinga asked what brought applicant to Fitchburg.

Mr. O'Donovan: The City was very friendly and easy to work with. The price per square foot in the Boston area was extremely pricey and that the City's mill buildings and large warehouses offered an enticing alternative.

Mr. O'Hara: Will there be signage on the building?

Mr. O'Donovan: No, The Geosearch sign will be removed and no signage will be added. There will be a security fence. Building is currently in good condition however, company plans to give the building a facelift and update the façade, but remain inconspicuous.

Public comment:

Dan Tocci - Chairman of the Sawmill Pond Abutters Committee, of 62 Sawmill Pond Road.

Paul Brisson - Abutters Committee Member (previous SMP Trustee), of 16 Sawmill Pond Road.

Mr. Tocci - Pleased that the Applicant is sensitive to quality of life and property value concerns.

Also comforted there are strong security components being implemented. Proposed facility sounds like it will have low impact to Sawmill Pond and surrounding abutters. Mr. Tocci expressed the Abutter's Committee would like to be kept abreast of the development of facility.

Mr. O'Donovan suggested hosting a community meeting with the Abutter's Committee and any interested residents to discuss any concerns they may have. He provided Mr. Tocci will contact info.

Mr. O'Donovan and Mr. Linskey stated they would be happy to stay in contact with Abutter's Committee to keep them apprised of developments. Mr. Linskey stated he would provide his personal cell phone number and additional contact info, to Mr. Tocci should he have any security questions or concerns.

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to close hearing and Approve Site Plan (with supplement) w/ conditions:

- 24/7 Security on site.
- Provide Board with landscaping plan (to include frontage fence) and updated DPH documentation.
- Provide updated plan to show 300' buffer from facility and the Residential Uses within the 300' radius that require a waiver.

Vote 6-0 in favor.

Mr. Van Hazinga and Ms. O’Kane recused themselves from the Planning Board CDBG recommendations discussion due to conflict of interest (on the Board of an Applicant for CDBG funding). Mr. Van Hazinga left the meeting.

OTHER BUSINESS

Planning Board CDBG recommendations

The Board reviewed staff recommendations dated 2/8/17 and an accompanying spreadsheet with Liz Murphy & Sue Christensen of the Community Development Dept.

Re: Memorial School auditorium seating replacement – Q: If it were partially funded w/ CDBG, could city or school budget pick up a portion of the cost.

Board agreed: Allow a max. of \$50,000 in CDBG funds toward the project, take from Demolition line item. Board agreed with rest of staff recommendations.

Motion made & seconded to make recommendations to Mayor as described above. Vote in favor.

----- Ms. O’Kane returned to meeting. -----

Finalize “Game On” Special Permit Decision

Discussion among Board members on Draft decision w/ 42 conditions.

Board agreed: \$100,000 escrow acct. for off-site road improvements, should be under the control of the Planning Board and spent at their discretion. Also, Board wants it clearly stated that funds can be used for road improvements in the immediate area, not just Industrial Road.

Discussion regarding clarifying the use of the fields for “schools in the City”. Mr. Hurley was under the impression that the applicant included all high schools in the City (Monty Tech and Sizer) along with middle schools for the use of field days. Ms. Caron advised that the Host Agreement was not specific.

A.J. Tourigny, Mayor DiNatale’s Chief of Staff, stated he believed the agreement was for Fitchburg Public Schools only, not private schools and he was unsure if Sizer was included as Sizer is not under the discretion of the City of Fitchburg School Committee.

Ms. Caron suggested a reduced rate could be offered to Fitchburg private schools.

Mary Jo Bohart, Economic Development, expressed her concern that the more schools included the less time each school would have.

Mr. Fontaine: Read minutes from previous meeting which confirmed Mr. Hurley’s statement regarding the inclusion of middle school use of the fields for a field day. However, Monty Tech was not specifically stated in the minutes. Mr. Tourigny advised the Mayor spoke with the Applicant and confirmed Monty Tech is included.

Mr. Hurley: Host Agreement is too vague. Language should be specific to list all Fitchburg Public Schools and Monty Tech.

Mr. Tourigny will discuss with Mayor, but believes Sizer is included under the “Fitchburg Public Schools” blanket.

Mr. Fontaine: It is important to clarify Fitchburg Public Schools includes Monty Tech. Sizer will not be specifically stated in Host Agreement.

Mr. O’Hara believes decision will be made on Game On’s Order of Conditions at Conservation Commission meeting scheduled for February 16, 2016.

#18. Needs to be clarified as to where the stop sign will be placed. Should state southerly portion of Westminster Hill Road, not Roper Road.

#36. Typo – “site sightings” should be site lighting. Also to include one year review of lighting within day of opening.

#40. Clarify review within one year if opening.

#33. The phrase “non-motorized” should be removed. If the language is too specific we run the issue of not including language regarding hunting, etc. Leave the language generalized.

Ms. Caron stated she would work with Attorney Pusateri’s office to clean up the Host Agreement and clarify escrow language.

Initiate name change and/or discontinuance of portions of Westminster Hill Road

Discussion regarding discontinuing the portion of Westminster Hill Road from the Game On property line and entrance to site easterly to the current end of the paved portion of Westminster Hill Road at #1297 Westminster Hill Road. By discontinuing as a public way the City will no longer be responsible for maintaining that portion of the road. Discussion between Board members regarding the benefits/differences between “discontinuing” and “abandoning” a road. Board members reached consensus that it would be better to discontinue the road as the City would still retain ownership of the road. Also, the portion of Westminster Hill Road from the Westminster Town line easterly to Industrial Road should be renamed. Finally, the section of Westminster Hill Road from intersection of Industrial Road to Game On entrance should be renamed.

Ms. Caron stated the main objective of discontinuing the said section of road is specifically for directional purposes.

Mary Jo Bohart, Economic Development Director: If discontinued can the City sell road for profit to applicant?

Mr. Fontaine: For future planning reasons, it would be beneficially to retain rights to the road.

Mr. Hurley: If discontinued portion would be considered a paper street, will the “paper street” need to be named?

Mr. Fontaine: Suggest we could name the discontinued portion to “Paper Street”.

Mr. O’Hara: Concerned if we rename to “Paper Street” there could be confusion relating to GPS coordinates.

Mary Jo Bohart, Economic Development Director: Should applicant rename portion of Westminster Hill Road? “Royal Plaza Drive” was renamed to “Great Wolf Lodge Drive” when Great Wolf Lodge was built.

Mr. Hurley was still concerned if the remaining portion of the discontinued portion of Westminster Hill Road was not renamed how it could be taken back as a public way.

Mr. Fontaine restated that the main objective was to making navigation clear and simplified.

Mr. Hurley: There is only one resident (Rosemary Blanchard, 1621 Westminster Hill Road) located on the section of Westminster Hill Road from the Westminster Town line to Industrial Road who would be affected by the proposed road name change. Mr. Hurley suggested Ms. Blanchard be contacted and made aware of the situation and asked her thoughts on the matter.

Mr. Fontaine: Ms. Blanchard will be apprised of the situation and her thoughts will be taken into consideration. However, the street name needs to be changed to avoid confusion relative to GPS directions.

Ms. Caron stated Ms. Blanchard would be contacted and made aware of the matter.

Mr. Fontaine: The following petitions will be submitted to the City Council for the objective of clarifying directions to the facility.

1. Rename portion of Westminster Hill Road from Westminster Town line to Industrial Road. Street name TBD.
2. Request that portion of Westminster Hill Road from Industrial Road easterly to Game On Entrance be renamed. Street name TBD.
3. Discontinue as a Public Way the section of Westminster Hill Road from the Game On entrance easterly to #1297 Westminster Hill Road.

Motion made (Mr. Fontaine) & seconded (Mr. DiPietro) to submit petitions to City Council. Vote in favor.

Petition to accept Downy Circle & Flicker Drive as public way

Mr. O’Hara briefed Board.

Mr. DiPietro: Have the granite catch basin headers been fixed?

Mr. O’Hara: Ken Matson tore it out and replaced.

Motion made (Mr. Fontaine) & seconded (Mr. Hurley) to submit said petitions to City Council. Vote in favor.

Meeting Minutes

Board agreed to review Minutes of the January 2017 meetings at next Planning Board meeting.

Motion made & seconded to adjourn. Vote in favor.
Meeting adjourned: 9:15 p.m.
Next meeting: March 14, 2017