

Mar 03 2021 9:30 am

Economic Development Committee of the Fitchburg City Council

[virtual session via Zoom]

Thursday, February 25, 2021

Meeting Minutes

[meeting occurred prior to Legislative Affairs Committee, planned for 7pm]

Members Present:

Councilor Andrew Van Hazinga, *committee chair*

Councilor Marcus DiNatale

Councilor Samantha Squailia

Councilor Marisa Fleming

Others Present:

Councilor Beth Walsh

Councilor Anthony Zarrella, *ZBA chair*

Councilor Andrew Couture

Tom Skwierawski, *executive director of planning & community development*

Mary Jo Bohart, *economic development director*

Paula Caron, *Planning Board chair*

Mike O'Hara, *principal planner*

Chairman Van Hazinga called the meeting to order at 5:01 p.m. and stated that the meeting will address **Phase II Review of Zoning Ordinance Amendments (“Bundle 3”)** [#005-2021] as referenced in Ordinance 172-2020 (Petition 029-20 & Petition 220-2020). Chair Van Hazinga also noted that this meeting was occurring immediately prior to the Legislative Affairs committee session where the same material would be discussed. He added that the City Council will address the Zoning Ordinance amendments through a first public hearing on March 2 followed by a second public hearing on March 16. He then asked Tom Skwierawski to lead the group through the remaining individual amendment sections being considered for Phase 2/Bundle 3.

ADAPTIVE INDUSTRIAL:

Tom Skwierawski explained the origins of the new Adaptive Industrial (AI) district which was created to replace a prior Mill Conversion Overlay district. He emphasized that AI becomes an option, for greater flexibility, but that the base zoning of Industrial (I) is always a secondary option for AI zoned properties. Mr. Skwierawski noted two initial text revisions, striking the initial description in 181.68 along with the 181.681 Purpose statement, in favor of a simpler and more direct purpose statement for the AI district.

VOTE:

Chair Van Hazinga asked for a motion to approve those edits. Councilor Squailia so moved, Councilor Fleming seconded the motion, and it passed by unanimous consent.

Mr. Skwierawski continued on to 181.682 *Intended Scope* and reviewed new language intended to

explain the types of properties that led to the creation of AI as a more flexible option to traditional Industrial zoning, while still retaining “I” as an alternate zoning approach if an applicant preferred.

He then noted that the word “adaptive” was stricken from the text definition within 181.682 to reduce redundancy, he explained changes to the text description for 181.683 that add greater clarity and brevity, and Mr. Skwierawski explained minor edits to 181.684 regarding Special Permit submission requirements. He then noted within 181.687 *Number of Dwelling Units* a text insertion regarding parking availability and proximity to public transit.

Councilor Squailia asked about 181.6871 *Number of Bedrooms* and the rationale used for a diversification criteria.

Mr. Skwierawski stated that a project might be well-suited to having a reduced parking requirement if there is a high ratio of one-bedroom units.

Chair Van Hazinga asked Ms. Paula Caron (Planning Board chair) for her comments on this topic.

Ms. Caron said that whether a project is within a Smart Growth area or part of a planned unit development (PUD) or an affordable housing development, the Planning Board strives for there to be a range of residential unit types (studio, 1ne-bedroom, 2-bedroom, 3-bedroom) to assure a diversity of housing options. She added projects requiring a Special Permit are an opportunity for the Planning Board to discuss a range of unit types with the applicant developer.

Chair Van Hazinga commented that there is sometimes market pressure on developers to increase their number of 1-bedroom units, but the city needs to encourage a mix of unit types within a project, thus is it beneficial that the Planning Board can encourage a variety of unit types during the Special Permit process.

Councilor Squailia asked whether accessibility should be expressly noted in this section.

Chair Van Hazinga explained that the Americans with Disabilities Act (ADA) requirements address that concern.

Mr. Skwierawski then suggested that Section 181.313 Table of Principle Use Regulations would best be discussed during the TABLE OF USES section that will be taken up shortly.

Chair Van Hazinga stated that a more meaningful discussion of the allowable uses within AI can be had when comparing it to the traditional Industrial (I) designation, side by side, and that will occur shortly. He then asked for a motion to approve the various edits discussed for the Adaptive Industrial section.

VOTE:

Councilor Fleming moved to recommend approval of the changes to Adaptive Industrial. Councilor Squailia seconded that motion, and it passed by unanimous consent.

COMMERCIAL RECREATION:

Mr. Skwierawski noted the deletion of Section 181.89A *Westminster Hill Road Commercial Recreation Overlay* district in its entirety since the formal creation of a Commercial Recreation district is intended to supersede that earlier overlay approach. He went on to review a suggested revision to the purpose statement for the district, as brought forward by Chair Van Hazinga after consulting with ZBA chair Anthony Zarrella. Mr. Skwierawski described further edits regarding retail stores and artisan manufacturing, both as accessory uses within the district, being by Special Permit of the Planning Board rather than being disallowed altogether. He also noted amending 181.323 *Business Uses* by adding 181.3235 *Commercial Recreation Accessory Uses*. Mr. Skwierawski discussed the dimensional requirements for this district as addressed by items (5) and (6).

Councilor Squailia stated that the height maximum of 36 feet for the Commercial Recreation district seemed too low, but she was relieved to see that there is a provision for applicants to pursue a greater height that would be by Special Permit.

Councilor DiNatale recalled that several years back, when Game On Fitchburg was being approved, there was puzzlement that a residential subdivision such as Victoria Lane could have occurred directly abutting an established industrial park. His concern was over proximity to CR zoned areas of the city and how best to avoid any abutter complaints if future residential developments are allowed within CR.

Mr. Skwierawski noted that residential use is disallowed within the CR district.

Chair Van Hazinga asked for a motion to approve the edits to Commercial Recreation as presented.

VOTE:

Councilor Squailia moved to recommend approval of the revised version of Commercial Recreation as presented. Councilor Fleming seconded that motion, and it passed unanimously.

DIMENSIONAL REGULATIONS:

Mr. Skwierawski explained that the Residence C (RC) zoning designation has been broken up into two segments, *Non-Single Family RC* and *Single-Family RC* which was a change voted on during the “Bundle 2” zoning revisions. He discussed additional edits, including greater height flexibility in Commercial (revised from 40’ to 50’), and greater height flexibility in Commercial Recreation (revised from 36’ to 50’). He also noted a 10,000 sq. ft. minimum lot size for Motor Vehicle Sales is being proposed. Mr. Skwierawski reminded the committee that many of the new Commercial zones were previously Central Business District (CBD) which meant those areas were without any height requirements in the prior ordinance. He also noted height exceptions within the Industrial (I) district are being amended to include Commercial, Adaptive Industrial, and Industrial.

Councilor Squailia stated that in looking at the height requirement differences between Commercial and Commercial Recreation, the CR district has a more restrictive height requirement.

She inquired why that might be?

Mr. Skwierawski explained that the CR district, being a newly created district, led to an initial suggestion of 36' for maximum height as a beginning point.

Councilor Squailia felt that 36' would be too low of a height maximum for CR.

Chair Van Hazinga agreed that 36' seemed low for CR and suggested 50' maximum height instead.

Councilor DiNatale stated that he would have no objection to a 50' height maximum for either the CR or the Commercial (C) districts.

Mr. Skwierawski went on to state that in 181.427 *Height and Dimensional Exceptions in FSU District* there is a proposed merging of height and dimensional exceptions for the FSU and CR) districts.

Chair Van Hazinga felt that even a 60' maximum within FSU district still seemed too low, and possibly for CR district as well. He stated that the existing height at Great Wolf Lodge (proposed to be within the new CR district) likely exceeds 60' already.

Mr. Mike O'Hara noted that the existing waterside feature at Great Wolf Lodge is presently 65' in height, for comparison.

Councilor DiNatale asked if maximum height could be left open-ended for the FSU and CR districts, to provide for greater flexibility.

Councilor moved to strike the proposed ~~36'-50'~~ height maximum stated for both FSU and CR districts, ~~and insert a 50' height maximum instead~~, and the motion passed by unanimous consent.

Mr. Skwierawski went on to note that 181.429 suggests a 10,000 sq.ft. minimum lot size for Motor Vehicle Sales.

Councilor Squailia expressed her disfavor for that threshold and stated that many Motor Vehicle Repair businesses located on smaller parcels occasionally sell some of the vehicles that those businesses repair. She stated that she had no issue with small lots where just a few cars are sold.

Chair Van Hazinga clarified that in the case of Motor Vehicle Repair businesses, the occasional selling of a few vehicles represents an Accessory Use rather than the Primary Use, and he stated that the Dimensional Regulations being discussed are for Primary Uses.

Councilor DiNatale stated that there few if any Motor Vehicle Sales businesses, where that is the Primary Use, operating on lots less than 10,000 sq.ft. in size.

Chair Van Hazinga asked Councilor Squailia if that information discussed had changed how she may feel about the 10,000 sq.ft. minimum for Motor Vehicle Sales as a Primary Use?

Councilor Squailia stated that she simply wished to express her disagreement with the 10,000 sq.ft. threshold in order for Motor Vehicle Sales to occur as a Primary Use.

Mr. Skwierawski went on to explain that that unless a property or applicant elects to utilize the Adaptive Industrial (AI) designation then the Industrial (I) designation would be applied.

VOTE:

Chair Van Hazinga asked for a motion to accept the various revisions and edits to the table of Dimensional Regulations, as presented. Councilor Fleming so moved, and Councilor Squailia seconded the motion, which passed by unanimous consent.

TABLE OF PRINCIPAL USES:

Chair Van Hazinga suggested that the next item to review was suggested edits to for the Table of Principal Uses.

Mr. Skwierawski began by explaining that Artist Live/Work Space would be allowable by Special Permit of the Planning Board in RC, DB, NB and C districts. He went on to describe that using additional Agriculture definitions (per the Building Dept. and City Solicitor) led to *Agricultural Use, Nonexempt* as well as *Container Farming, Nonexempt* and *Farm Stand, Nonexempt* each being added to the table for greater clarity about the range of ag activities that may occur.

Mr. Skwierawski said that Chair Van Hazinga had suggested slight names changes for simplicity with regard to Downtown Business district (now DB) and Neighborhood Business district (now NB).

Chair Van Hazinga stated that he had an additional amendment of language he sought to bring forward for discussion by the committee, based upon discussion with ZBA chair Zarrella, which was for the Residence B (RB) designation to have *Multifamily Development* type of residential use disallowed (or “N”) within that district.

Councilor Squailia stated that she favors allowing multifamily development by Special Permit within the RB district.

Councilor Fleming felt that she could go either way on the topic of multifamily development within RB.

Councilor DiNatale asked whether, if no further edits occur, does the RB district currently forbid multifamily development?

Mr. Skwierawski explained that the existing ordinance allows multifamily development within RB by Special Permit of the Planning Board.

Councilor DiNatale stated that he opposes forbidding multifamily development within RB based upon the existing pattern of density that already exists within RB in many parts of the city.

Chair Van Hazinga asked if anyone opposed leaving multifamily development as an allowable use within RB by Special Permit of the Planning Board. When no one indicated opposition, he suggested moving on to other portions of the Use Table.

Mr. Skwierawski clarified that *Artist Live/Work Space* has been defined to address occasional retail sales on site for a few days a week, and he reminded the group that this would be allowable in RC, DB, C and NB districts.

Councilor Squailia asked how nude models for artists' use would be handled from a zoning standpoint. She also inquired as to why RB disallows Artist Live/Work Space when the RB district encompasses some parts of the city where there are larger buildings or higher density.

Chair Van Hazinga stated that this is an item where he could go either way, and perhaps Fitchburg needs to be more tolerante or flexible. He added that it may not be necessary to differentiate between Artist Live/Work Space and an artist seeking Home Occupation status unless signage is a consideration.

Councilor Fleming asked about the scenario of where someone may have an artist studio within their home.

Councilor Squailia proposed for the Use Table to be revised to allow for Artist Live/Work Space within RB by Special Permit of the Planning Board, and the motion passed.

Mr. Skwierawski stated that *Large Family Day Care* is not among the exempt uses, so an administrative change will be needed to add it to the Use Table. He also noted that new definitions have been inserted for *Agriculture Use, Exempt* as well as for *Agriculture Use, Non-Exempt* so that each of the updated definitions align with Mass. General Laws. He pointed out some remaining edits to the Use Table, and then he asked the committee for any remaining questions or comments on those changes.

Councilor Fleming expressed concern regarding *Commercial Recreation* being allowable by Special Permit of the Planning Board within the Rural Residential (RR) district. She had worry over another project such as 'Game On Fitchburg' taking place in the future.

Councilor Squailia stated that she had a few questions regarding the new Adaptive Industrial (AI) district. Specifically, she wondered why such uses as *Lodging House*, or *Motor Vehicle Storage*, or *Medical Clinic/Treatment Facility* are each disallowed within the AI district.

Mr. Skwierawski restated the overall purpose of the AI district and explained that it was created to incent specific reuse and repurposing of industrial sites. He added some uses such as Councilor Squailia asked about could occur within the Industrial (I) provision that always exists as a base option within AI zoned properties.

Chair Van Hazinga asked if there were any further comments or questions on the proposed revisions to the Table of Principal Uses, and when none were voiced he then asked for a motion to approve the Table of Principal Uses as amended.

VOTE:

Councilor Squailia Moved to approve the Table of Principal Uses, excluding item D(20) of the table. Councilor DiNatale seconded the motion and it passed by unanimous consent.

Councilor Fleming then expressed her opposition to Use Table item D(20) where *Commercial Recreation* use would be allowable within the Rural Residential (RR) district by Special Permit of the Planning Board.

VOTE:

Councilor Squailia moved to approve Use Table item D(20) alone, thus allowing for *Commercial Recreation* use to occur within the RR district by Special Permit of the Planning Board. Chair Van Hazinga seconded that motion, and he asked for a role call vote which was as follows: Fleming (Nay), Squailia (Yea), DiNatale (Nay), Van Hazinga (Yea). The vote resulted in a 2:2 tie, and thus the motion was defeated.

VOTE:

~~Councilor Fleming then moved to revise item D(20) within the Use Table such that *Commercial Recreation* use would be disallowed (“N”) within the Rural Residential (RR) district.~~

Chair Van Hazinga asked if, aside from RR, were there were any other districts within the Use Table where there may revision to whether Commercial Recreation use should be allowable. None were voiced so Chair Van Hazinga explained that said that based upon the tie vote on Councilor Squailia’s motion, within the Rural Residential (RR) district, Commercial Recreation would revert to “N” denoting that use being disallowed in RR based upon the failed motion.

ZONING MAP:

Chair Van Hazinga asked Mr. Skwierawski to lead the committee through the various changes being proposed for the Zoning Map.

Mr. Skwierawski began to displaying the existing/current Zoning Map, followed by displaying the proposed updated version of the Zoning Map that reflects several new Zoning Designations. He then went through the map, from west to east, describing in detail the proposed map changes that reflect the new zoning designations. Mr. Skwierawski noted on the Zoning Map the following edits suggested by the committee during that visual tour of the draft:

- 1) Along Sanborn St. (near Baltic Ln.) several small parcels being shown as NB should be revised to RB;
- 2) Along upper Elm St. (near Mechanic St.) several small parcels being shown as NB should be revised to RC;
- 3) Along South St. at St. Peter St., two small parcels being shown as RA need to be revised to NB; and
- 4) Along Krysiak Ave. (near the rear portion of Utz factory), two small parcels’ rear yards being shown as AI need to be revised to RA.

Mr. Skwierawski then asked if the committee had any further questions or comments regarding the revised Zoning Map, and none were voiced.

VOTE:

Chair Van Hazinga moved to approve the revised Zoning Map as presented, and Councilor Squailia seconded that motion which passes by unanimous consent.

Discussion ensued regarding Neighborhood Business (NB) use versus Residence B (RB) use along a portion of Elm Street, and the committee felt that two small parcels in that area. should be revised from NB to RC.

VOTE:

Chair Van Hazinga asked, for the final time, if there were any further changes to the Zoning Map. When none were voiced, he asked for a motion to approve the Zoning Map as presented and discussed. Councilor Squailia so moved, and Councilor Fleming seconded that motion which passed by unanimous consent.

ADJOURNMENT:

VOTE:

Chairman Van Hazinga asked for a motion to adjourn. Councilor Squailia so moved, and Councilor Fleming seconded that motion which passed unanimously (4:0). The Economic Development Committee of the City Council adjourned at approximately 8:30pm.