

**FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, FEBRUARY 28, 2023**

**FITCHBURG CITY CLERK**

*Nov 29 2023 3:47 pm*

**NOTE:** *Due to inclement weather, this was a virtual meeting.*

**MEMBERS PRESENT:** Paula Caron, Chair,  
Alyne Butland  
Amanda Koeck  
Tracey McGrath

Paul Fontaine, Jr., Vice-Chair  
Peter Capodagli  
Alex Lopex

**STAFF:** Herlin Jaime, Liz Murphy

**CALL TO ORDER**

Meeting called to order at 6:00

**INTRO**

Ms. Caron read an introductory statement guiding all to the agenda link.

**ANR PLANS**

**Re-subdivision - 182 & 196 Sheldon Rd., Barkley Enterprises, Inc.**

Submitted plan shows a revision of the common property line between 196 Sheldon Rd (Lot 1) and 182 Sheldon Rd (Lot 2) in order to accommodate the proposed septic systems on each lot. Both lots remain conforming with lot frontage & area. No new applications, just demonstrating that it is 2 parcels. No action required by the Board for ANR at this time.

**MINOR SITE PLAN/SPECIAL PERMIT MODIFICATIONS / EXTENSIONS**

**Transfer of Special Permit 2021-12, 0 Beech St. 16-unit multifamily**

Hearing opened. Present: David King

David King speaking on the anticipation of the transfer from ASG Dream Flip LLC to B 16 LLC.

Conveyance letter from Elias Gonzalez of ASG Dream Flip LLC authorizing the transfer to B 16 LLC was presented. Principle of B 16 LLC is Mark Clinger who is also the principle for 46 and 50 Frankfort St. They operate at 55 Mead St in Leominster. The transfer is included in the special permit which would be contingent on documenting the transfer with the Registry of Deeds if sale does occur.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to approve the transfer

Roll call vote: Capodagli: Yes. Fontaine: Yes. Koeck: Yes. Lopez: Yes. McGrath: Yes. Caron: Yes.

**Vote 6-0 in favor**

**Minor Modification of Special Permit #2022-13, Alpine Ridge Solar Array - 0 Alpine Road, clarification of project completion date (condition #25)**

Hearing opened. No one present.

Condition 25 states, "Development to be completed no later than August 31, 2023". Condition 26 also states, "This Special Permit shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within twenty-four (24) months following the filing of the Special Permit decision (plus such time required to pursue or await the determination of an appeal referred to in G.L., c. 40A, s. 17, from the grant thereof) with the City Clerk. Engineer was concerned that conditions 25 and 26 contradicted themselves.

Board comments:

Mr. Fontaine requested a clerical note that 25 should be in line with the end date of 26. Ms. Caron noted that the date of recording with the City Clerk was October 18, 2022 so the end date should be October 18, 2024.

Motion made (Mr. Fontaine) & seconded (Ms. McGrath) to correct the clerical error and update the dates in the special permit condition 25 to reflect an end date of October 18, 2024.

Roll call vote: Capodagli: Yes. Fontaine: Yes. Koeck: Yes. Lopez: Yes. McGrath: Yes. Caron: Yes.

**Vote 6-0 in favor**

## PUBLIC HEARINGS

### **Scenic Road Act - 182 & 196 Sheldon Rd. proposed for driveways on Scenic Road, Barkley Enterprises**

Hearing opened. Present: Joshua Joslyn of Barkley Enterprises (remotely)

196 Sheldon Rd will have a 12-foot wide driveway with 14 feet of wall removed, and adding boulder returns along the driveway. 182 Sheldon Rd will have an 11-foot wide driveway with 13 feet of wall disturbance and adding boulder returns. Temporary wall was removed for soil testing and will be rebuilt. No trees need to be removed.

Board comments:

Mr. Fontaine brought up that the only thing that is being approved at this time is the cuts into the rock walls and trees being removed, not addressing other concerns.

Mr. Capodagli states he approves as long as the original stone walls will be preserved.

Mr. Fontaine addressed the issues of drainage in the area and Mr. Joslyn briefly described the changes in septic location and addition of storm water features towards the rear of the lots for swales and run off.

Motion made for authorization of Community Development to sign the ANR plan (Mr. Fontaine) & seconded (Capodagli)

Roll call vote: Capodagli: Yes. Fontaine: Yes. Koeck: Yes. Lopez: Yes. McGrath: Yes. Caron: Yes.  
**Vote 6-0 in favor**

Public comment:

DPW sent memo stating that if approved the applicant will need to apply for curb cut/driveway permit.

Motion made to close public hearing (Mr. Fontaine) & seconded (Ms. McGrath)  
**Vote: 6-0 in favor**

Motion made (Mr. Fontaine) & seconded (Capodagli) to approve application under the Scenic Road Act with the measurements given and subject to the following conditions:

- Driveways to be located as depicted on plan.
- Trees within the public way not to be removed unless approved under the Scenic Road Act.
- Break in the stone wall for 196 Sheldon Rd. to be no greater than 14 feet in width.
- Break in the stone wall for 182 Sheldon Rd. to be no greater than 13 feet in width.
- Stones that are removed to be used to make a 90° "return" at the edges of the driveways and also to fill in a gap in the stone wall along the frontage of the lot.
- Obtain appropriate curb cut/driveway permits from DPW.

Roll call vote: Capodagli: Yes. Fontaine: Yes. Koeck: Yes. Lopez: Yes. McGrath: Yes. Caron: Yes.  
**Vote 6-0 in favor**

After hearing was closed Peter Kettle raised his concerns of all the trees that were removed for construction of the homes. Ms. Caron stated it was outside their purview and Mass General Law states as long as there is frontage on a public way it is an ANR and no approval required. Mr. Fontaine reiterated that the Planning Board does not have purview on trees on private property.

*Alyne Butland joined the meeting.*

### **Special Permit & Site Plan Review - Lorigan, 106 East St., 3-family**

Applicant submitted written request for continuance from 1/24

Additional site plans provided which needs modifications for storm water and DPW comments to utility connections.

No one was present.

Motion made (Mr. Fontaine) & seconded (Capodagli) to be continued to 3/28 meeting.

**Vote: 7-0 in favor**

**Modification of Special Permit 2019-19 - Final Touch Contractor, LLC, increase from 4-units to 6 units, Old Princeton Rd.**

Applicant submitted written request for continuance to 3/28

No one present.

Motion made (Mr. Fontaine) & seconded (Ms. McGrath) to continue to 3/28 meeting.

**Vote: 7-0 in favor.**

**Modification of Special Permit #2004-23, Arden Mills, 118 Bemis Rd. - conversion of clubhouse to office**

Hearing opened. Present: Ted Rak

Tim from Angels of Autism holds a permit to occupy a portion of the clubhouse as his office space. They are looking to expand his office space to the entire clubhouse. In 2005 when permits were acquired for the clubhouse, Arden Mills was planning on having over 240 condo units but in the end only built 48, therefore not needing the clubhouse. Mr. Rak was interested in permitting the space for commercial use hoping to not have to have a new permit if Angels of Autism moved out of the space and it was used by another business. Mr. Fontaine explained it would need to be addressed if a new business were to use the space to ensure interest was appropriate for the neighborhood and parking available.

Board comments:

Mr. Fontaine asked Mr. Rak how many employees Angels of Autism employed and how many customers they may serve. Mr. Rak answered they had 12-15 employees and offered one on one services to autistic children, so if there were 12 instructors there will be up to 12 students. Most students are dropped off by bus with no parents present. Ms. Caron read available parking off of plans provided and it was adequate for the current use of the office space. Original public hearings did not approve Arden Mills as a "mixed use" facility which Mr. Fontaine voiced concerns about requesting approval if another business was to use the space in the event Angels of Autism discontinued.

Ms. Caron stated that at 8000 sq feet and a required parking space for every 300 sq feet, required parking would be 27 spaces and 29 are provided.

Ms. Koeck agreed with Mr. Fontaine that it should go in front of the board if another business was to utilize the space.

Public Comment: none

Motion made (Mr. Fontaine) to close hearing, & seconded (Mrs. McGrath)

Roll call vote: Capodagli: Yes. Fontaine: Yes. Butland: Yes. Koeck: Yes. O'Kane: Yes. McGrath: Yes. Caron: Yes. **Vote 7-0 in favor**

Motion made (Mr. Fontaine) and seconded (Ms. McGrath) the motion for approval of the modification of special permit #2004-23 (and 2020-6) to convert entire clubhouse to office space to be used by Angels of Autism with the following conditions:

- Conditions of Special Permit and Site Plan Approval #2004-23 (and #2020-6) to remain in effect. Additional use changes must be reviewed and approved by the Planning Board

Roll call vote: Capodagli: Yes. Fontaine: Yes. Butland: Yes. Koeck: Yes. Lopez: Yes. McGrath: Yes. Caron: Yes. **Vote 7-0 in favor**

**Special Permit & Site Plan Review - True Storage, LLC, conversion of 88,000 sq. ft. of existing plaza to Self-Storage facility, 432 John Fitch Hwy.**

Hearing re-opened. Present: Atty. Jeff Aveni, Josh Sullivan, Bob Clark (consulting engineer from Allen & Major),

Continued from 1/24 Planning Board meeting. Mr. Aveni addressed the Board to state they were applying for permits to repurpose the space at 432 John Fitch Highway to a climate controlled storage space. Josh Sullivan shared a Powerpoint presentation with market research stating that the market was undersupplied with storage in the area. Market research targeted businesses in the area and how their needs for a climate controlled space would be desirable. Mr. Sullivan also went over details that he feels puts True Storage above all other storage facilities, including life proof vinyl plank flooring and vast security surveillance system. Pictures demonstrated other True Storage locations to reiterate how they are above competitors. Mr. Sullivan displayed many pictures of "face lifts" other locations were given for True Storage locations.

#### Board Comments:

Ms. Caron addressed that there were no improvements to the plaza proposed in the plans, although the presentation shown focused on improvements made for other locations. Ms. Caron also touched upon the vast improvements the parking lot needed as well as the flooding problems the plaza faced. She also discussed a desire to bring consumers to the area by adding commercial and amenity growth rather than an industrial use facility taking 88,000 sq ft of the commercial plaza, which has suitable parking capacity and traffic volumes to support commercial activity.

Mr. Capodagli reminisced about when the plaza was at its peak with a booming commercial presence and hesitance of giving up such prime vast retail space. Mr. Capodagli would rather see businesses that would bring in foot traffic that would also bring more business to the already existing businesses in the area. He worries the businesses currently in the plaza would decide to vacate because of the storage facility. In response, Attorney Aveni focused on the fact that the space was open for some time and retailers did not want the space, focusing on how there is a lot less of a retail presence in the economy as a whole.

Ms. Caron then brought up the possible safety concerns with the business, especially with customers going behind the plaza and lack of improvements proposed to the Fitchburg location in comparison to the other locations shown.

Ms. Koeck also expressed the proposal was not utilizing the area's highest potential or bringing consumer power to the area.

Ms. Butland asked the applicant if they had a response to the letter Ms. Murphy filed stating it was not the best use and be considered a passive use of the space. Attorney Aveni answered that he spoke with Ms. Murphy about how it has been vacant for a significant amount of time. Also, that they have addressed her security concerns with plans of parking lot surveillance and possible police detail. In regards to the flood zone Attorney Aveni stated that he can add their plan to the narrative.

#### Department Comments:

Ms. Murphy advised that the conversation she had with Attorney Aveni was vastly different than the presentation brought to the Board. She wanted to see the focus on front facing retail space to bring commercial use to the area, but there seemed to be little of this proposed. Mr. Sullivan stated that True Storage was looking to purchase the space and not lease it from the current owner. Ms. Bohart then addressed how there has been many storage unit proposals brought to the Board, but in industrial areas not the commercial area of this proposal since it is opposite of the city's agenda.

Nick Erickson addressed the flooding concerns as they are significant in that space since it is people's possessions that would be stored. As well as the major roadway redesign between Lunenburg and Summer St's along John Fitch Highway that will be underway in the coming years that may bring more traffic to the area and opportunity in making it a budding commercial area. Bob Clark said that he can reach out to DPW to discuss any drainage they would need studies on and modifications on the landscaping.

Motion made (Mr. Fontaine) & seconded (Ms. McGrath) to continue to March's meeting.

**Vote: 7-0 in favor**

**Special Permit & Site Plan Review - Speedy Cannabis, Marijuana Delivery Operator & Marijuana Courier Establishment, 339 River St.**

Hearing opened. Present: Attorney Phil Silverman, Sam Gandor

Social equity applicant. Proposing two different business models: Delivery Operator and Courier Establishment. The courier establishment would be essentially like an Uber Eats model where an order is placed with an existing dispensary and the courier picks up items to deliver to the customer. Delivery Operator would have product purchased from a wholesaler already packaged and held at the store. A customer would order product online and it will be delivered to their door. Both models do not entail customers visiting the establishment, only packaging employees and delivery drivers.

Security aspects were presented. Delivery vehicles will have a locked area to hold the product during deliveries. Cameras, alarms, and active control methods will be used within the facility and parking lot to abide by Cannabis Control Commission regulations. Two people will be required in a delivery vehicle to ensure someone stays in the vehicle at all times, delivery drivers will be equipped with body cameras, and vehicles themselves will have GPS monitors. A fence will be installed around the area that product will be loaded in vehicles to address security concerns the police department has expressed. As well as barbed wire on the back of the building so people are not able to access the roof.

Restrictions to where products can be delivered, restricted to only residences. College dormitories are excluded, as well as federal housing. Customers will be preregistered with a valid ID for verification and ID's viewed at time of delivery.

**Board Comments:**

Mr. Fontaine addressed concerns with parking and existing curb cuts. The area proposed shares space with an auto service station that would not be able to sell cars since Speedy Cannabis would be utilizing all the spaces.

Space plans were explained with focus on the vault and dispatch areas, along with the path orders will be walked to be loaded into the delivery vehicle. Dumpsters are required to be locked during loading as an added security measure.

Ms. Caron is not fond of the proposed area and the aesthetics of the chain link fence and barbed wire. Requested the applicant to work with DPW about a curb being placed at the business. Mr. Fontaine and Capodagli also voiced that it is a difficult site for the business and desire to have one business in the location. Mr. Erickson with DPW mentioned a traffic engineer should be brought in for recommendations on the curb cut.

Ms. McGrath asked Mr. Gandor if state inspections were still completed at the auto service center with the worries about the amount of traffic going into location with both businesses operating in that location. Mr. Gandor stated that he would like to open the Cannabis Delivery service to supplement income with the hopes that the delivery business will do well and the service center can be dissolved.

**Department Comments:**

Chief Martineau was concerned about the number of police calls already received with the location for a variety of the reason and is not supportive of this plan in this location and there would be too much going on in this area. Captain Lemay reiterated that they receive about 63 calls a year over the last four years for this location. With two businesses operating out of the location they will come into trouble with reporting involved with the police department, especially to the CCC.

Councilor Hazinga also expressed concern about the traffic going into the business, especially to the gas pumps and would be more comfortable if the location were a single use business.

**Public Comment:**

None

Mr. Fontaine motioned to have application continued to March's meeting. Ms. McGrath seconds.

**Vote: 7-0 in favor**

*Mr. Lopez recused himself from the following item*

**Special Permit & Site Plan Review - Tocci, Conversion to 4 residential units in 2nd & 3rd floor, 298 Main St**

Hearing opened. Present: Paul Tocci, Alex Dillon

Applicant seeking waiver for the density and zoning requirement for a 50-foot offset buffer. The only updates to the front exterior will be to restore the historic nature of the building. Mr. Tocci is working with the city to find parking for tenants within walking distance. Trash will be in the basement. Commercial space on the first floor with the apartments on the second and third. Mr. Tocci has also been working with DPW to address all of their issues.

Board Comments:

Ms. Caron asked what work will be done on the rear of the building on Boulder Drive. Mr. Tocci answered that the fire escape will be updated, the entire building will be painted, security cameras installed, and any other facade improvements as required.

Mr. Capodagli asked for the applicant to elaborate on the trash situation in the basement. Mr. Dillon stated he would be creating a corridor on the first floor that takes people down to the basement without accessing the commercial space. Trash will be stored in the old bank vault located in the basement until the night before trash pickup.

Department Comments:

Mr. Erickson stated that there will be some water main work and other road construction that will occur in the area within the next few years that may cause problems. There will be road closures and detours for certain phases of the construction.

Ms. Bohart and Councilor Hazinga expressed their delight with the mixed-use building on Main St. Great use of an existing building.

Public Comment: None

Motion has been made (Mr. Fontaine) & seconded (Ms. McGrath or Ms. Koeck) to close the hearing.

**Vote: 6-0 in favor**

Motion made (Mr. Fontaine) & seconded (Ms. McGrath) to approve the site plan and special permit of 298 Main St. to 4 residential apartments on the 2<sup>nd</sup> and 3<sup>rd</sup> floor with the following conditions:

- 2 dwelling units located on the second floor and 2 dwelling units located on the third floor.
- Commercial use to remain on the first floor.
- Parking spaces along Main St. limited to commercial uses.
- Trash to be stored indoors (basement). If trash is located outside it is to be screened with decorative (vinyl) fencing. Comply with refuse regulations (brought curbside within 12 hours before collection and put away within 12 hours after)
- Repair and paint rear and front facades; repair and paint fire escape/doorways; provide bicycle storage; and provide matching sidewalk to connect rear of the building or landscape.
- Waivers requested under 181.743(1.) lot density and 181.743(3.) 50 ft. buffer are granted.
- Complete project within three years.

Roll call vote: Capodagli: Yes. Fontaine: Yes. Butland: Yes. Koeck: Yes. McGrath: Yes. Caron: Yes.

**Vote 6-0 in favor.**

**MEETING MINUTES**

N/A

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 9:07

Next meeting: March 28, 2023