

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, MARCH 10, 2020**

MEMBERS PRESENT: Paula Caron, Chair Peter Capodagli
 Paul Fontaine, Jr., Vice Chair Amanda Koeck
 Alyne Butland Alex Lopez

STAFF: Mike O’Hara, Tom Skwierawski

Call to Order

Meeting called to order at 6:06 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

ANR PLANS

Church of the Nazarene, 800 South St.

Jamie Rheault, Whitman & Bingham Assocs. & Pastor Chuck Pendleton of the church present. Existing 5.7 acre parcel has three structures on it: A dwelling at 808 South St., the older church near the road (800 South) and a newer church building (#800-B South). Plan proposes to split the parcel into three lots, with each bldg. on its own lot. While each lot has the required lot frontage & area, the proposed new property lines do not meet side/rear setbacks in the RA-2 district. Relief from these setbacks will be needed through a Variance from the ZBA. Motion made & seconded to authorize Mike O’Hara to sign the plan once a zoning non-compliance disclaimer is added to the plan. Vote in favor.

MINOR SITE PLAN REVIEW

Site Plan Modifications – City Hall Campus, 700 & 718 Main St.

Present: A.J. Tourigny, Mayor’s Chief of Staff, Tony DeLuzio, Colliers Int’l (Owner’s Project Manager) & Mary Delaney, Purchasing Agent.

A.J. presented proposed modifications on site plan revised 2/20/2020. Some modifications are needed due to the upcoming two-lane, two-way plans for Main St. & Boulder Drive. Bus Stop provided in front of the legislative building (#700). Behind that bldg. there’ll be 17 spaces reserved for visitors & the public. Temporary parking on the parking deck off Boulder Drive will be for City Hall employees. There will also be 90 spaces on the future parking deck to be constructed next to the Theater Block (717 Main). Handicapped access ramp to both buildings discussed. Wood Place will remain one-way, from Boulder to Main.

It was noted that there will be no speed table installed on Main St. between City Hall & the Theater Block, as has previously been discussed. There will be monitors for public meeting postings at 700 Main St. Board’s suggestion: Relocate the City Hall after hours drop box closer to Wood Place & designate a space as “15 Min. Pkg. Only” to make it easier to access. Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to Approve Site Plan Modification as discussed.

Site Plan Modification - Garden Remedies, 307 Airport Rd., “Hoop House” greenhouses

Brian Marchetti, McCarty Engineering present to request that the Board re-approve the site plan showing 33,000 sq. ft. greenhouses at the rear of the site that had been approved in 2018. The Site Plan Approval had expired after one year of the effective date (6/29/18). GRI plans to install these greenhouses this summer. The Special Permit for the expansion of their cultivation & processing is still valid for one more year.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to Approve Site Plan Modification. Vote in favor.

PUBLIC HEARINGS

Special Permit & Site Plan Review - B.O.T. Realty, LLC, 223 Lunenburg St. - Retail sales of Adult-Use Cannabis (continued from 2/11/20)

Applicant had requested to continue hearing to the April meeting. No one present for this item. Motion made & seconded to continue the hearing to April 14. Vote in favor.

Special Permit & Site Plan Review - NewVue Affordable Housing Corp., parking relief for 11-unit building, 128-144 Fairmount St.

Hearing opened. Present: Marc Dohan & Anne Reitmayer, NewVue Communities, Randy Johnson, Resolution Architects.

NewVue has owned this 9-unit property since 1995. Building was renovated 15 years ago but badly needs updating, fire safety measures, remediation of mold, etc. They are applying to DHCD for a grant to rehab several NewVue buildings in the lower Cleghorn neighborhood: 128 Fairmount, 42 Clarendon & 105 Plymouth. 128 Fairmount is a condominium. The vacant 1st floor storefront condo (*fmr. JV's Variety*) was bought out by NewVue. They plan to convert that space to two accessible units for total of 11 units: one 1-BR unit, seven 2-BRs & three 3-BRs. Total project cost \$2 million.

Site plan reviewed. Also, existing conditions survey by Hannigan Engineering submitted. The existing parking lot on the adjacent lot owned by OHR, LLC (144 Fairmount) will be regraded. In order to get a reasonable 2% cross slope for the accessible parking spaces, the rest of the lot will be regraded to an 11% slope. Architectural Access Board voted yesterday to grant a Waiver for the H/C accessible spaces to use the adjoining sidewalk as an "aisle".

Parking: 17 proposed spaces (1.55 per unit). Parking survey of existing tenants in building: 1 space per unit is adequate. NewVue is on tomorrow's ZBA agenda for a Special Permit to expand the non-conforming use & relief from the multifamily density requirement.

Comments from DPW discussed. Board Comments: Dumpster needs white vinyl screening, parking spaces need 3-foot setback from building & property lines.

Public Comment: None.

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

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to Approve the Special Permit & Site Plan Review. Vote 6-0 in favor.

- Parking at 144 Fairmount must be reserved for the use of 128 Fairmount tenants & visitors through a long-term lease or fee ownership.
- Add concrete curb stops to row of parking next to building.
- Handicap parking spaces should not interfere with pedestrian access on adjacent sidewalk.
- Maintain agreement with provision for sharing of overflow parking spaces (as needed) with adjacent property located at 43 Clarendon St. (also owned by the applicant).
- Dumpster to be screened with white vinyl screening.
- Parking spaces need 3-foot setback from building & property lines.

Special Permit & Site Plan Review - Apical, Inc., proposed Adult Use Cannabis Cultivation & Processing, 431 Westminster St.

Hearing opened. Present: Matt Fournier, property owner, Rebecca Adams & Steve Chaisson, AC3, Kot Kasom, Apical CEO & Ms. Kasom, Jessie Moberg, Caveney Architects, Jamie Rheault, Brian Horrigan, Panda Solutions.

Matt introduced the applicant's team. Rebecca described the proposal, Jessie went over floor plans, Jamie reviewed site plan. Apical proposes to cultivate both Medical & Adult Use Cannabis.

Phase I would fit out 54,000 sq. ft. Phase II would fit out the rest of the 204,946 sq. ft. building.

They have provisional approval from CCC for a cultivation facility in Chicopee. They will be asking to transfer that approval to the Fitchburg location.

Their approved grow canopy: Tier 6 - Max. 50,00 sq. ft. Q: Type of extraction method used? TBD.

Parking 125 spaces total, including 2 reserved for the 3rd party transporter previously approved.

Anticipated # Employees: Phase I: 35, increasing to 115 at full buildout, approx. 60 per shift (two shifts). They had Community Outreach Meeting March 2nd. 25 attended.

Proposed site improvements: Landscaping in front of building, new sidewalk in front of building from the westernmost parking area to a new crosswalk across Westminster St. to the parking area at 0 Westminster St. Also, a new sidewalk on the northerly side of Westminster St. from the parking area westerly to another new crosswalk near Ward St. There will also be a new crosswalk crossing at the bottom of Warner Ave. New Ped Crossing signs to be installed at crosswalks.

Vinyl fencing on street side will be architecturally appropriate for site. Snow storage areas noted. Est. water usage: 1,000 GPD, most of it recycled. 1,100 GPD domestic wastewater

Waivers requested: Waiver of Traffic Impact Study, waiver of Buffer: there are 14 residential properties within 300 feet of the 431 Westminster building, mostly on Westminster & Ward Streets, some on the opposite (southerly) side of the RR tracks.

Department Comments reviewed. Modifications have been made to plan based on DPW comments Capt. Lemay, FPD: Police would need to review proposed warning signs & flashing lights at ped crosswalks.

Board comments: Lease in special permit application package has a one-year lease term. What happens after 12/31/2020? Matt: Lease will be extended.

- Noted that the parking lot across Westminster St. is owned by a different LLC than the building. There will need to be a lease agreement between the two LLCs.
- Need to clarify which parking spaces are reserved for the 3rd party transporter.
- Paper copies of Moral Character forms & SOPs to be submitted.
- Status of Host Community Agreement? In process.
- Since Apical already has received a Special Permit for 291 Westminster St. they will need to submit a letter relinquishing that Approval.

Public Comment

Mike DiPietro, Sprague St. - Good to see mill being used again. Conversion to grow facility will eliminate tractor-trailers from backing into site & blocking street. Suggested emergency generator be screened by masonry & not just a fence. Noise in that area can be heard relatively far away. He also suggested that the generators be tested only during the day.

Motion made & seconded to close the Public Hearing. Vote in favor.

Motion made (Mr. Fontaine) & seconded (Mr. Capodaglio) to Approve a Special Permit with conditions:

- Provide list of addresses of residential abutters within 300 feet of facility.
- Traffic study waived.
- Subject to final approval of DPW regarding water/sewer/stormwater.
- Install fence (black aluminum/wrought iron or similar material) at the northeast portion of the site along the property line between the gate and along the retaining wall in front of the building.
- Parking lot at the 0 Westminster St. (Westminster Pond, LLC) site to be substantially complete and useable prior to issuance of Cert. of Occupancy for 431 Westminster.
- Investigate timing of shifts, to ensure shift changes are not occurring at peak hours of traffic on Westminster St.
- Applicant shall make improvements to the Pedestrian crossing by the LUK building (545 Westminster St.) to match the pedestrian crossings in front of 431 Westminster St.
- Testing of emergency generator on site to be performed during daytime hours.
- Board may further review noise level of chillers or other outside equipment if noise complaints are rec'd.
- Subject to review and approval by Fitchburg P.D. and DPW of the type & location of proposed Pedestrian Crossing signs and signals at crosswalks.
- Since some of the required parking for this proposed use is on a different parcel and under different ownership than the 431 Westminster St. site, subject to submittal of easement, etc. between the parties demonstrating applicant permission, use and maintenance of the parking spaces for the duration of its operations.
- Submittal of moral character forms and authorizations for police background checks.
- Subject to Community Host Agreement.

- This Special Permit is not intended to violate or conflict with any terms of the conditions of Special Permit #2019-3 issued to Stalk & Beans (*the 3rd party transporter approved at this same parcel*).
- Applicant to relinquish rights conferred by Special Permit #2019-21 issued for the 291 Westminster St. location.

Special Permit & Site Plan Review - 226 Westminster Corp., Retail sales of Adult-Use Marijuana

Hearing opened. Present: Atty. Dan Vieira, Vieira & DiGianfilippo, Mike Patel, Alton Stone, Alton Engineering, Andrew Wilder, Setonics (security plan).

Atty. Viera: 226 Westminster Corp and Reyansh, LLC (property owner) are the same family. The retail facility will be doing business as "Green Zone".

Alton presented site plan. Site plan and renderings have been revised 3/10/20 based on preliminary comments rec'd. Building is 2,200 sq. ft. 25 parking spaces provided on site. Retaining wall proposed behind building for wider access from one side of parking lot to the other.

Host Community Agreement signed 9/4/2019 was submitted as part of application package.

Atty. acknowledges that they need to look at stormwater management and figure how to address issue. Andrew briefly discussed security plan; he has designed security systems for several retail cannabis locations that are currently open.

Proposed hours: Mon. - Sat. 8:00 a.m. to 9:00 p.m. Capt. Lemay & Board advised that FPD wants all cannabis retailers in town to establish consistent closing hour: 8:00 p.m. Capt. Lemay also concerned w/ layout of floor plan, need both an entering and existing vestibule. Bathrooms need not be accessible to the public. Why an entrance on the right side of bldg.? Suggest flip floor plan so that exit is on the left side of the building. Upon exiting bldg., it appears that customers will step out into the driveway of the parking lot. Suggest shift driveway to the left (westerly) end of the site. Crash data cited in Traffic Impact Study may not be current.

Board comments: Suggest new granite curb & concrete sidewalk along street frontage. Parking spaces on right side of building can't encroach into the layout of Westminster St. Relocate these spaces to the other side of site. Submit cross-section of proposed retaining wall. Suggest lease more spaces from adjacent Wachusett Brewing lot to the west. Provide better separation between that lot and 226 Westminster. Show snow storage areas. Locate loading area on other side of bldg. Noted that Fitchburg Fire will need to review rev. plan

Public Comment:

Alan Wiktorski, Facilities Manager, Wachusett Brewing: They use the warehouse space on the abutting parcel to the west (270 Westminster St.). Supports project, good to get that space occupied again.

Ms. Caron: Do they have a concern with Overflow parking? Not really.

John Shammas: He operated a restaurant there for 15 years, there never was a problem with enough parking.

Robt. Thibeault, 16 Vernon St. - Why need two such retailers in West Fitchburg? There'll be another retailer a mile away.

Deborah Dunn, 23 Vernon St. - Concerned w/ traffic. Anytime traffic is diverted from Westminster St. Vernon St. is clogged.

Mrs. Skidmore, 209 Westminster St. - More traffic, has hard time getting out of her driveway

Sam Tata, 102 Temple St. - More traffic.

James Cormier, 18 Sanborn St. (cor. Vernon) - Concerned with traffic, drivers ignore stop sign.

Mike Di Pietro: Suggested eliminating parking on the NE side of site. Driveway unsafe, close to curve. Stormwater collects & ponds on Westminster St. in front of site.

Motion made & seconded to continue the hearing to April 14. Vote in favor.

Special Permit & Site Plan Review - Marchetti Industries, LLC, Retail sales of Adult-Use Marijuana, 50 Whalon St.

Hearing opened. Present: Mike Marchetti, Dr. Watkin & Tina Dumais, Scott Morrissey, Red Line Wall Systems, Brian Marchetti, McCarty Engineering & Andrew McClurg, traffic consultant.

Mike presented site plan & floor plans. Proposal is to fit out a vacant 3,000 sq. ft. Unit C at 50 Whalon St.

Retail portion approx. 1,500 sq. ft. Parking: 44 spaces during the day & 90 spaces > 5:00 p.m. and weekends. Hours of operation: 10:00 a.m. - 8:00 p.m. 7 days a week. Adult use only, under 21 not allowed.

Est. 5-7 employees inside, not including two security guards stationed outside to direct customers to the front entry. Unit C will have seismic alarm system to prevent intrusion from adjacent unit.

Community Outreach meeting was held Jan 14th.

Andrew reviewed traffic impacts. Per zoning, parking req'd: 47 Spaces @ 1/300 sq. ft. retail.

Proposed 90 total spaces available at 26 & 50 Whalon St. Estimates 49 visits to the facility during the peak hour of traffic.

Ms. Caron: Per Zoning Ordinance, the # of spaces req'd for this use is to be determined by the Board.

She feels at least 30 spaces needed. How would shared parking work when lots are full & vehicles need to turn around & exit?

Dr. Watkin: Orthodontist in Unit A only open on Fridays. Ms. Caron had called ofc. - They're open

Tues./Thurs./Fri. Watkin: Just staff on Tues. & Thurs., no patients.

Board comments:

Entry vestibule seems small, suggest larger bullpen area so that customers are not lined up on walkway outside door. Need not provide customer access to restrooms, except in a medical emergency.

Suggested: Adjusting hours of operation based on when adjacent offices are not open.

Traffic study needs tweaking.

Concerns with traffic exiting site. "Right Turn Only" sign is fine but then Whalon St. northbound traffic will try to make a left onto South St. & back to Rt. 2, blocking traffic. Need addresses and distances of residential parcels within 300 feet. Comply with section 181.64. Deliveries in rear of bldg.? More visible if brought in thru front doors

Capt. Lemay: Adding the front vestibule at the front of the bldg. will be helpful for security. Why is ATM proposed in the middle unit B? Suggest moving into the front vestibule of Unit C, for better line of sight for security. Traffic from this site onto Whalon St. would be a challenge for any type of retail, not just for cannabis. FPD will do their best to control traffic, but they cannot force officers to work a police detail. Biggest concern would be to have the private security trained properly. They are encouraged to call FPD if there's an issue, rather than trying to handle a situation solely by themselves.

Public comment: None in person.

Dr. Alkhoury, Simply Orthodontics & Pediatric Dentistry (Unit A in the bldg.) had submitted Feb. 27 letter to the Board objecting to the proposal, that some of his patients & parents would feel uncomfortable with retail cannabis in the same building. It may be a detriment to the image of his practice.

Ms. Caron: Letter is an issue; the Board doesn't want to benefit one business to the detriment of another. Waiver of setback a concern due to proximity of pediatric business and objection of abutting business, exiting traffic is an issue - needs further study and review of mitigation efforts.

Dr. Watkin had submitted a March 4 letter in response. Dr. Watkin had spoken on the phone that morning w/ Dr. Alkhoury & stated that he has withdrawn his objection. He is waiting for written confirmation of that.

Motion made & seconded to continue hearing to April 14. Vote in favor.

OTHER BUSINESS

City-owned open space parcel adjacent to Hollis Hill Farm, 0 Townsend St.

Board reviewed locus map. 13 ac. parcel that was the reserved open space in the Macintosh & Cortland subdivision. The parcel was later acquired by the city in 2018 for non-payment of taxes. Treasurer's office is considering adding to auction list or to the Side Yard Sale program. Parcel is adjacent to Hollis Hills Farm which may have interest in acquiring to aid w/ installing irrigation line to their crops.

Mr. Fontaine: Rather than sell parcel in fee, better have City to continue to own & merely grant Hollis Hills an easement

Meeting Minutes

Minutes of the Feb. 11th meeting were approved w/ some corrections.

Motion made & seconded to adjourn. Vote in favor.
Meeting adjourned: 11:44 p.m. (! !)

Next meeting: ~~April 14, 2020~~ (*meeting cancelled*)

Minute approved: May 27, 2020