

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, SEPTEMBER 11, 2018**

MEMBERS PRESENT: Paula Caron, Chair Peter Capodagli
 John DiPasquale Paul Fontaine, Jr.
 Laura O’Kane Andrew Van Hazinga
 Amanda Koeck (Assoc. Member)

STAFF: Tom Skwierawski, Mike O’Hara

Call to Order

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

ANR PLANS

33 Apple Tree Hill Realty Trust
Splitting off a 3 acre lot off around dwelling at 33 Apple Tree Hill. Remaining land is 10 acres. On next month’s agenda there will be a preliminary subdivision plan for a portion of that 10 ac. remainder - - a proposed extension of Nutting St.

MINOR SITE PLAN REVIEW

203 Water St. (corner Nashua St.) - parking area for mixed-use building at 196 Water St.
Plan has been submitted showing nine spaces. Jeff Dumay (property owner) requested postponement since he couldn’t attend. Motion made & seconded to continue to October 9. Vote in favor.

PUBLIC HEARINGS

Special Permit, Patel, 767 River St., convert 1st floor store into apartment (cont’d from 8/14/18)
Mr. Patel is out of town & had requested that hearing be continued to next month.
Motion made & seconded to continue to October 9. Vote in favor.

Special Permit & Site Plan Review - Colonial Cannabis, 141-143 Water St., Retail sale of Adult-Use Marijuana (cont’d from 8/14/18)

Jack Carney had requested that this item be continued to next month so he could assemble the information the Board requested. Motion made & seconded to continue to October 9. Vote in favor.
Several in attendance made objections to the use at that location: Steve St. Laurent, Paul Lewis, Steve Mayo, George Small: Is site within 300 feet of a church?

Site Plan Review - NS AJO Holdings, 20 Authority Drive, cultivation, processing & retail sales of Adult-Use Marijuana

Hearing opened. Aidan O’Donovan, applicant, Atty. Dan Glissman, Prince-Lobel, Tim St. Germain, Fuss & O’Neill present. NS AJO is applying as an “Experienced Operator” since they are already approved for cultivation, processing & retail sales of Medical Marijuana at this location. They closed on the building in May; Geosearch just recently has moved out of building. There will be no change in the floor layout of the grow facility. The Adult Use plants will be distinguished from medical plants thru colored tags.

Building is 43,000 sq. ft. but the grow canopy will be a max. of 20,000 sq. ft. (Tier 3). This maxes out their grow space. Retail locations planned in Dorchester & Watertown. They’ll pay 3% sales tax. Their total payment to City is max. \$400,000/year. Community Outreach meeting is scheduled for 9/26 at Mill #1.

Est. 4-5 month construction period. Planning on a Spring 2019 opening. They will build half of space to start, finish in 2010. 75 employees at full build-out. Total investment \$9-10 million. They plan to apply for building permit in a few weeks.

Discussion on floor layout. The retail display area will be uniform, but there will be a barrier between the Medical (4 registers) and Recreational (6 registers) retail area. Onsite security guard. ATM on-site, outside of the vestibule. It will be a cash business with daily cash drops.

Matt submitted affidavits re: Moral Character from Managers & Directors of Cypress Tree to Atty. Pusateri & the Board. Even though allowed per regulations, AJO will not serve to medical marijuana customers under 21.

There will be a freestanding sign where the "Geosearch" sign was. They are requesting the same waivers of the 300-foot buffer as they previously received under their application for medical marijuana -- It's 157 feet to the nearest residential property.

Public Comment:

Ms. Chura, 269 Fifth Mass Tpk: Concerned w/ traffic at Princeton Rd. & Fifth Mass. - - dangerous intersection.

Earl Kelley, St. Martin St.: Is there a limit on the # of growers? No.

Q: What is the benefit to the city?

Atty. Pusateri: Benefits include creating jobs, the additional employees that Marijuana applicants will hire, they estimate jobs will add an additional \$1.5 mil. in payroll in the city, increase in taxable industrial R.E., improved vacant industrial spaces even after Marijuana establishments leave, income to City thru host community agreements, income from personal property tax (on equipment).

Concern with loitering outside facility? Security will address that – AJO will not jeopardize their multi-million investment.

Paul Lewis: What are negative impacts?

Atty. Pusateri: Perception of City as "Pot City", cost to train police to ID people under the influence, the need to educate youth that just because cannabis is legal, it could be harmful to youth.

Pastor, Horizon Church: The economic benefits are not enough to outweigh the negatives.

Paul Lewis argued against Board granting waiver of the buffer.

Mr. Fontaine: Site plan approval requires a simple majority, not 2/3 vote. The Board must evaluate the proposal against the site plan approval criteria.

David Streb, Highland Ave. - Is in favor of application, the proposal meets the criteria for a Waiver from the 300-foot buffer.

Discussion: Mr. DiPasquale: This is a good location due to highway access;

Mr. Van Hazinga: Although there is residential property with 300 feet, the dwellings are greater than 300 feet away, and their driveways are not on Authority Dr.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to grant Site Plan Approval.

Vote 7-0 in favor.

Special Permit & Site Plan Review - Cypress Tree Management, 431 Westminster St. cultivation & processing of Medical Marijuana

Hearing opened. Present were Matt Fournier, owner, Wes Flis, Whitman & Bingham John Carney, & Jesse Mobena, CAC architects, Victor Chang, CEO-Cypress Tree, Zach Harvey, cultivation, Rick Nagle, security.

Matt reviewed the previous approvals for this location & presented the proposed site plan.

Cypress Tree will be using 50,000 sq. ft. of the building

Changes to previously approved site plan: Eliminate two H/C ramps, loading area will be at back corner of building, improving pedestrian access, easement for stormwater discharge & shared parking is pending before City Council.

Existing businesses in bldg. (noted in Blue on site plan) have 48 employees
Plan with 300-foot buffer reviewed by Board - - there are several residential uses, nearest is 60 feet away (452 Westminster St.), a church, and Bilotta Way on the opposite side of River & RR tracks.

Windows in building will be fixed, take plywood out of basement windows & replace w/ stucco.
Parking lot across Westminster St. is expected to be completed by late 2019. They are working with DPW & the City to add a sidewalk on from parking lot westerly from lot to Warner Ave and a crosswalk across Westminster St.

Rich Nagle, security consultant (fmr. Mass. State Police) explained security plans.

Departmental comments reviewed by the Board.

Ms. Caron: Emergency Procedures? Victor, CEO: they will submitted to Mass DPW

Public Comment:

David Streb, Highland Ave. - Which extraction process is safest: CO2 or Butane?

Grower: He has used both. If using butane, product must test below 12 ppm.

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

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

- Planning Board review of site lighting plan.
- Planning Board review of any future crosswalk on Westminster Street
- Sidewalk improvements to be completed by 12/31/19.
- Other standard conditions that have been included on other Medical Marijuana Special Permits.

Vote 7-0 in favor.

Special Permit - Seney, 22-unit Planned Unit Development, Meadowbrook Lane (cont'd from 8/14/18)

Ms. Caron stated that although she was absent at the last meeting when the public hearing was opened, she has reviewed the meeting minutes and plans and is able to participate per the Mullin Rule.

Hearing re-opened. Steve Seney and Wes Flis, Whitman & Bingham present. Wes presented plan

Public comment:

Sandra Hurtubise, 440 Canton St. raised concerns with stormwater.

Victoria Hines, 478 Canton St. expressed concern with proximity of stormwater basin near their property line, wanted info on the style of proposed dwellings

Discussion on installing landscaping/fencing for abutter Ms. Hurtubise. Rather than decide now it was decided that it's better to wait once area has been cleared and rough site work is done and see that the best method would be to provide screening to Ms. Hurtubise's satisfaction.

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

- Final grading & stormwater plans shall be subject to a third party engineering review.
- Repair & Overlay Meadowbrook Lane from site driveway down to Canton St. to Wanoosnoc Rd.
- Provide yellow stripe on Meadowbrook Lane from intersection of new street to Canton St.
- Submit petition for stop sign at Meadowbrook & Canton Sts.

Vote 6-0 in favor.

OTHER BUSINESS

Special Permit #2010-6. Community Health Connections, improvements to Drepanos Drive

Jeff Angers, Facilities Mgr. at CHC present. CHC has \$50,000 set aside to make improvement to Drepanos, but they can't repair as their Special Permit condition req'd. He offered to have a shim layer fill in the low spots and then an overlay. If starting at Burbank & Drepanos, re-work the island per the 2010 plan, the \$50K isn't quite enough to finish all the way to Burbank St. If they start at Burbank & Drepanos and don't do the island per the plan, they could repave all the way to Nichols.

Mr. Capodagli expressed concern that with the amount of CHC's annual budget, they can only afford to spend \$50,000 in improvements to Drepanos Drive. Mr. Van Hazinga thought that if there are limited funds that they should concentrate on the more heavily traveled route to CHC, from the Nichols St. side. Agreed to continue discussion at next meeting.

[Ms. O'Kane & Mr. Van Hazinga left the room for the following item due to a potential Conflict of Interest.]

Fitchburg Arts Community (fmr. B.F. Brown School)

Discussion on Amendment to, parking requirements?

Planning Board had previously agreed to initiate adding this area as a sub-district within the 40R Smart Growth district. In order to determine how much of the Lowe Park parcel would need to be used for the project's access and parking, NewVue Communities needs to know how many parking spaces the Board will require for 42 dwelling units.

Option A: 62 parking spaces

Option B: 88 parking spaces

Board agreed that Option "A" would be sufficient, but that it would be in the best interest of the area if there were more parking spaces provided beyond just those for NewVue, in order to encourage more use of Lowe Park. Mc. Caron: Also look at parking at the Annex building.

[Ms. O'Kane & Mr. Van Hazinga returned to the meeting]

NexAmp, 239 Fisher Rd. Solar Array

Ben Axelman, NexAmp present to request Board approval of the solar array decommissioning bond, per condition of the Site Plan Approval. They had rec'd estimates from several contractors; the average estimate was \$1,000 per MW, therefore Ben is proposing to submit a decommissioning bond of \$47,000 for a 4.7 MW array.

Motion made (Mr. Fontaine) and seconded (Mr. Van Hazinga) to approve \$47,000 as the amount of the decommissioning bond. Vote in favor.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 11:01 p.m.

Next meeting: September 18, 2018 (joint meeting w/ City Council)

Next regular meeting: October 9, 2018