



960 South St., Moses - modifications

Both applicant and his site contractor were out of town.

Atty. Christine Tree, Asst. City Solicitor noted that other rental properties owned by applicant have significant police issues; it is bordering on becoming a public nuisance. He has over \$800 in tickets as a result. Atty. Tree asked that the Board not vote to approve any plans by applicant.

Among other concerns with the work being done, which varies from site plan without prior approval:

- Parking not conforming appropriate (3 ft. off property line needed and is not waivable), cannot create spaces within right-of way.
- Using 2x6s to hold up landscaped area on Rockland Ave. is unacceptable. Roof drain is discharging onto the street.
- Setback distance has changed, and waiver needed because it abuts a residential district.
- The landscaping on the approved plan has not been installed.

Board voted to continue item to November. Mr. O'Hara to draft an email to applicant stating aforementioned concerns.

**PUBLIC HEARINGS**

Special Permit, Patel, 767 River St., convert 1st floor store into apartment (cont'd from 8/14/18)

Applicant requested another continuance since plan showing off-street parking had not been finished. Agreed to continue hearing to next month but should inform applicant that if sprinklers will be required by Bldg. or Fire Codes, he may want to reconsider request due to the cost. Also, Board made it clear that a verbal parking agreement - and parking long-term on the sidewalk - are unacceptable and need to be resolved ASAP.

Motion made & seconded to continue. Vote in favor.

Question for Law Dept.: Does a board have authority to give leave to withdraw without applicant presence? Atty. Tree needs to offer a legal opinion, as to whether Board can give leave without prejudice without the applicant present.

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 next month.

Preliminary Subdivision Plan - 33 Apple Tree Hill Realty Trust, Nutting Street Extension

Wes Flis, Whitman & Bingham presented plan to extend Nutting St. & create five building lots. Lots 4, 5, 6 & 7 have reduced frontage. Property is split between RB & RA-1 zoning districts, they went with the more restrictive dimensional requirements. Reduced frontage lots on cul-de-sac have twice the area required. Propose to extend sewer up from Marshall St. rather than via Nutting St. due to grades. Applicant is requesting waiver on length of dead-end street, and, potentially, waiving sidewalks although this would need to be confirmed. Water proposed to be extended from end of line in Nutting. Wes will look into a loop, instead of having a dead end line. Board: Look into Low-impact Development. Wes will examine but tough to do in an urbanized area.

Public Comment:

Melissa Rossi, 199 Marshall St. - Houses downgradient from the site are concerned with disruption of groundwater flow, more runoff, basement flooding, icing up. Applicant noted drainage analysis would be reviewed by DPW-Engineering or a third party. Board noted they were in favor of an independent third party review.

Rick Healey, 77 Apple Tree Hill: Offered compelling reasons why this plan is not appropriate:

- Nutting St. is 988 feet long, far exceeding the 500-ft. max length in Subdivision Regs. The street has 19 buildings, 33 dwelling units and 5 vacant lots. There is no second mean of egress. Serious issues exist with on-street parking that make it difficult to access.
- Roadway network: DPW's Pavement Condition Index (PCI) grades Nutting St. a 44 out of 100. Simonds St.'s grade (the only access to Nutting) is zero. Slope is 14.6%. Roadways not safe for emergency vehicles. This is not an appropriate use for this site. This only adds to congestion.

Board discussion on conditions: Improvements need to be made on Nutting St. Board generally noted the subdivision appears to not be in the best interest of the City. Difficulty of access @ Nutting and Simonds noted as major issue as is the length of road, lack of second egress. Absent any expert feedback from FD, DPW, Planning, etc. they would not recommend in favor of this project.

Motion made & seconded to Deny preliminary plan for reasons of public safety (road length, fire safety access, no second egress). Additionally, recommended improvements off-site may prove challenging for the applicant, given scale of project. Vote in favor to Deny.

Wes: They will submitting a Definitive subdivision plan in December. Planning to start construction in Spring 2019.

## **OTHER BUSINESS**

### Game-On Fitchburg update

Atty. Tom Bovenzi couldn't attend, Steve Marsden present.

Site work still underway, blasting has been completed. They had much more ledge than borings had anticipated. Goal is a spring start for playing fields. Only minor change due to ledge is raising the elevation of the building. Building will be constructed through the winter.

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

Continued from last month, but no one present. Mr. Fontaine suggested that CHC should hold off on any work until they have more than \$50K.

Brief discussion on several older Special Permits where construction has been ongoing for years, or applicant never completed all of the units that had been permitted. Best to re-visit issue, re-open hearing & impose a completion date? Board suggested instead inquiring of the applicants what their status is & when they expect to be completed.

Motion made & seconded to adjourn. Vote in favor.  
Meeting adjourned: 7:55 p.m.

Next meeting: November 13  
Minutes approved: December 11