

**FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, NOVEMBER 17, 2020**

**NOTE:** *This was a Virtual meeting on GoToSeminar due to the pandemic.*

**MEMBERS PRESENT:** Paula Caron, Chair  
Paul Fontaine, Jr., Vice Chair  
Alyne Butland  
Alex Lopez  
Peter Capodagli  
Amanda Koeck  
Laura O’Kane  
Tracey McGrath (Associate member)

**STAFF:** Mike O’Hara, Tom Skwierawski

**CALL TO ORDER**

Meeting called to order at 6:02 p.m.

**ANR PLANS**

Greenstone Realty, Williams Rd. / Mcintire Rd.

No one present for this item. Plan showed a re-subdivision of the common property line between Lot 10 (316 Williams Rd.) & Lot 11 (45 Mcintire Rd.) Lot 11 increases in size, frontage stays the same; Lot 10 is being reduced in size, but is still >65,000 sq. ft.

Motion made (Mr. Fontaine) & seconded (Ms. O’Kane) to approve the plan and authorize Mike O’Hara to sign the plan on the Board’s behalf. Vote 7-0 in favor.

**OTHER BUSINESS**

Game On - Update

Present: Steve Marsden. Game On has one youth event scheduled this weekend which may be cancelled due to concerns over Covid. The last scheduled event of the season is a Fitchburg vs. Leominster Fire/Police flag football game the day before Thanksgiving. The next scheduled event wouldn’t be until Feb. 2021 when Fitchburg High & Monty Tech have practices for the delayed football season. Building won’t be complete until March or April 2021.

Sign at Rt. 2A & Industrial Road: They are trying to determine who owns it, it’s not owned by the city. May have been erected by the developer of the Industrial Park in the ‘80s who is long gone. They are looking into stabilizing its base & make it safe for the winter. They won’t ask for a Certificate of Occupancy on the building until it’s been fixed or replaced.

Earlier, several residents on Roper Rd. in Westminster had sent emails to the Board raising concerns about the continuing traffic problems caused by patrons of Game On. Ms. Caron acknowledged the letters & concerns raised, but that this is not to be resolved by the Board but by both communities’ DPWs & Police Depts.

Steve: Westminster P.D. has done a speed study & put out traffic counters. Board suggested there must be ways to prevent mapping apps from directing drivers to use Roper Rd. for access to Game On.

**PUBLIC HEARINGS**

Proposed Zoning Ordinance updates, Phase II-Bundle 1 (Petition #29-20)

Present: Russ Burke, BSC Group, planning consultant working on the Zoning update.

Tom & Russ reviewed the following amendments, and the Board took up each item by item:

Commercial Districts Purpose/Description

Intended to give guidance & establish purpose of different Commercial districts since “CBD” is being split up into several types of Commercial districts. Ms. Caron had suggested some minor changes in wording. Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment with revisions as discussed. Vote 7-0 in favor.

### Large-scale Solar Facilities

Intent: To provide some standards in the siting of large-scale ground-mounted solar. Currently there are none and only subject to Site Plan Review and Conservation Commission review, if applicable.

The amendment proposes to permit by Special Permit in the RR, C, Industrial & FSU districts, prohibited in all other districts. Provide definitions for large & medium scale and requires Special Permit for both.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed & clarified. BSC Group to modify amendment as discussed. Vote 7-0 in favor.

### Artisan Manufacturing

Would allow two classes of Artisan Food & Beverage Production and Artisan Manufacturing, up to 7,500 sq. ft. & over 7,500 sq. ft. Smaller scale would be permitted by right in Commercial districts, larger scale by Special Permit.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0 in favor.

### Non-Substantial Scrivener Errors

Intended to give the Director of Community Development the ability to correct scrivener's errors, update section numbers, correct cross references & similar minor corrections without having to go the City Council for approval. This approach has been used in Somerville and some other communities.

Q: Should it be by simple majority vote of the Board or 2/3 vote? Agreed to require a 2/3 vote to lessen chance of abuse of power.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to recommend in favor of this amendment as discussed & clarified. Vote 7-0 in favor.

### Floodplain District

Amendments to the Floodplain overlay district has been suggested several times over the past few years by Mass DCR's Flood Hazard Management Program. Conformance with federal floodplain regulations is necessary for communities to be able to continue in FEMA's National Flood Insurance Program (NFIP). Discussion about some of definitions used by FEMA which may vary with definitions already in the Ordinance. Russ will add a preamble to the definitions section "*For the purposes of administering this section ...*"

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0 in favor.

### Temporary Storage Containers

Intended to address an issue of unregulated storage containers in residential yards and non-residential property for long periods of time. Reference to Bldg. Commissioner corrected to DPW Commissioner. Strike requirement for Site Plan Review. Add language to address residential situations when no yard available.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to recommend in favor of this amendment as discussed & clarified. Vote 7-0 in favor.

### Merger of Residence A-1 and Residence A-2 zoning districts

Since the setback requirements of both districts are very similar (varying by 5-10 feet) and the lot size & frontage requirements are similar (RA-1: 15,000 sf, 125 feet. RA-2: 12,500, 100 feet) the districts are proposed to be combined into an RA district and use the less restrictive current RA-2 dimensional requirements: 12,500 sq. ft., 100 feet frontage, 30/15/35 front/side rear.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0 in favor.

### Language on Merging of Non-Conforming Lots

Clarified that nonconforming lots *in the same ownership* are considered merged for zoning purposes.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to recommend in favor of this amendment as discussed. Vote 7-0 in favor.

Definition of Cannabis Delivery Uses/Marijuana Transporter

Adds a definition which matches the Cannabis Control Commission's definition.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to recommend in favor of this amendment as discussed. Vote 7-0 in favor.

There was no Public comment on any of the proposed amendments.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to close the hearing. Vote in favor.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to make a recommendation in favor of these nine zoning amendments as amended during this hearing.

Roll call vote:

Fontaine: Yes. O'Kane: Yes. Caron: Yes. Capodagli: Yes. Koeck: Yes. Butland: Yes. Lopez: Yes.  
Vote 7-0 in favor.

**COMMUNICATIONS**

Mr. Fontaine inquired as to the recent construction at the former Crescent Hotel site, 18 Blossom St. which rec'd a Special Permit from the Planning Board in 2005. Construction was started but never proceeded past the foundations. Is the current owner willing to abide by all the conditions of the 2005 Special Permit? If not, or constructing fewer units, they should come back to the Board for a Modification of the Special Permit.

**MINUTES**

Deferred. No completed minutes to review.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 8:39 p.m.

Next meeting: Monday, November 30, 2020

Next regular meeting: December 8, 2020

Minutes approved: December 8, 2020