

May 27 2022 2:28 pm

**FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, MARCH 22, 2022**

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

**MEMBERS PRESENT:** Paula Caron, Chair  
Alyne Butland  
Amanda Koeck  
Laura O’Kane  
Paul Fontaine, Jr., Vice-Chair (arr. 6:50 p.m.)  
Peter Capodagli  
Alex Lopez

**STAFF:** Mike O’Hara

**CALL TO ORDER**

Meeting called to order at 6:02 p.m. Roll Call taken: 7 members present.

**ANR PLANS**

None.

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

Revised Minor Site Plan - 137 Green St. - 2-family (cont’d from 2/22/22)

Present: Chris DeRosa, Falcon Nests. Chris presented a revised plan showing the existing 13 ft. wide driveway on Myrtle Ave. and a total of 8 parking spaces, 4 on either side of the site. There is a landscaping strip adjacent to Green St. They have repaved the sidewalk on Myrtle St. with bituminous. Board comments:

Ms. Caron: It’s a much improved plan. Ms. O’Kane agreed. Mr. Capodagli expressed appreciation for the investment in the landscaping, it will be very appealing for the property

Motion made (Mr. Capodagli) & seconded (Mr. Lopez) to Approve the Minor Site Plan. Roll call vote: Butland: Yes. Lopez: Yes. Koeck: Yes. Capodagli: Yes. Fontaine: Yes. O’Kane: Yes. Caron: Yes. Vote 7-0 in favor.

Minor Site Plan - 83-85 & 0 Marshall St., AG Dream Flip, LLC, parking plan for reinstated 3-family (cont’d from 2/22/22)

Applicant Nico Berthet had called the day before requesting that this item be continued. He doesn’t have a revised plan as yet and he travelling and won’t be back in time for the meeting.

Motion made (Ms. O’Kane) & seconded (Mr. Lopez) to continue the hearing to next month. Roll call vote: Butland: Yes. Lopez: Yes. Koeck: Yes. Capodagli: Yes. Fontaine: Yes. O’Kane: Yes. Caron: Yes. Vote 7-0 in favor.

Extension of Special Permit #2020-2, Apical, LLC, Cannabis Cultivation/Product Manufacturing, 431 Westminster St.

Present: Brian Horrigan, Apical & Mark Rochelle, site contractor.

Apical’s Special Permit was approved in March 2020, an amendment modifying the ownership of the company was approved in April 2021. Apical is targeting toward obtaining a Certificate of Occupancy, hopefully no later than the fourth quarter 2022.

Status of the parking lot across the street?

Brian: That will be done with Phase II, there will be enough parking for employees on site during Phase I.

Motion made (Ms. O’Kane) & seconded (Mr. Lopez) to Approve an Extension of Special Permit #2020-2 to 12/31/2022. Roll call vote:

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

Minor Site Plan - 160 Plymouth St. - parking plan for reinstated 4-family

Present: Ricky Frias. Ricky is proposing to completely renovate this into a 4-unit building, all new plumbing, electrical, heating, siding, windows. Proposed: 1<sup>st</sup> floor: 1 1-BR, 1 2-BR. 2<sup>nd</sup> floor: 1 3-BR. 3<sup>rd</sup> floor: 1 3-BR with 6 spaces.

Board questioned the layout of parking spaces. Parking for proposed # units/bedrooms requires 7 spaces which sites does not appear to be able to accommodate.

Board comments: Consider changing # bedrooms (2-two bedrooms, 2-one bedrooms) requiring 5 parking spaces. There should be a guardrail or barrier at the rear of the site due to the slope down to property on Fairmount St. Show fence material & location. Show space for rubbish totes. Parking should be 3 feet from property lines. Fix front porch. Get Zoning Determination letter.

Motion made (Mr. Capodagli) & seconded (Mr. Lopez) to continue the hearing the next month.

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

Minor Site Plan - Thirsty Robot Brewing Co, 265 Summer St (rear) - expanded Seasonal Outside Seating

Present: Bill DiMario, TRBC. Bill presented plan by Lorigan Architects titled "Proposed Brew Pub for Green Road, LLC" dated 10/7/21 showing 68 additional seats in a patio area at the north side of the building, extending the existing patio on the westerly side of the building. Access will be through a man door on the north wall, access also possible through roll-up garage door. The same type of metal planters will be used as barriers separating the seating area from the adjacent driveway and parking spaces. A min. 26-foot wide drive aisle will be maintained. They can't install a permanent barrier due to an underground utility easement running behind the building. The planters can be easily moved with a pallet jack. Outside lighting will be strung overhead, as with the existing patio, there will also be wall lighting. There will be video monitoring of the area from the bar.

They will also need to go before the License Commission & ABCC to expand their outdoor premises

Board comment:

Hours of operation? Bill: Their license permits them to be open 'til 11:00 but they close at 10:00 p.m. on weekends. There have been no complaints on noise from neighbors, no incidents that involved Fitchburg P.D.

Mr. Capodagli: Good to see additional outdoor seating in Fitchburg establishments. The City wants to encourage more of that.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to Approve the Minor Site Plan for the expanded outdoor seating area. Roll call vote:

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

Extension - Site Plan Approval, Large Scale Solar Array, Alpine Rd., Alpine Ridge, LLC (map 87R-18-0)

Present: Jamie Rheault, Whitman & Bingham & two reps of from Alpine Ridge

Another extension of the Site Plan Approval which had originally been approved in 2016 has been requested. However, since last September's adoption of the revised Zoning Ordinance, Large Scale Solar requires a Special Permit. Jamie is requesting the Applicant given Leave to withdraw.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to give the Applicant Leave to Withdraw the request for an Extension of the Site Plan Approval. Roll call vote:

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

**PUBLIC HEARINGS**

Special Permit - Pristine Choice Realty, LLC, 4-unit residential, 147 Daniels St. (cont'd from 2/22/22)

No one present for this item. Applicant had requested a continuance to the April meeting.

More detailed site plan showing finished grades & stormwater management still being prepared by Whitman & Bingham.

Motion made (Mr. Fontaine) & seconded (Mr. Lopez) to continue the hearing to next month.  
Roll call vote: Butland: Yes. Lopez: Yes. Koeck: Yes. Capodagli: Yes. Fontaine: Yes. O'Kane: Yes.  
Caron: Yes. Vote 7-0 in favor.

Special Permit & Site Plan Review - Remax Patriot Realty, 41 Fox St.

Present: David King. David is proposing to convert 2<sup>nd</sup> floor to 4 residential units, 1<sup>st</sup> floor will remain commercial space (hearse company). There is also a full basement used for storage with access via a garage door from the parking lot. Project will also need a waiver of the minimum lot area for a 4-unit multifamily building in the DB District. Four units would require 10,000 sq. ft. w/o a waiver. Lot is 7,342 sq. ft. The property has been used since the early 1900s as a livery service for hearses.

Board comment:

Need review by Engineering & Fire. Need drainage plans, there is a catchbasin on site, where does it drain to? Punch Brook? Need to show location dumpster or trash receptacles. Sidewalk out front needs some repair. Show landscaped area on plan. Show minimum of four compliant parking spaces on site for proposed residences with striping, show accurate dimensions on plan.

Mr. Lopez raised the concern of car engines running on the residential units on the floor above.

David: The structure will meet the Code requirements for Fire Separation.

Board: Proposed use appears compatible with neighborhood and can accommodate off-street parking with the reduced lot size.

Comments in an email from Nick Erickson, DPW reviewed:

- Would like to see better parking plan that shows dimensions of spaces and drive aisle, topography, drainage, existing and proposed surface types, etc. (all the stuff typically required on such plans). In my professional opinion, I do not think the lot is large enough to support 6 spots and maintain access to the garage door at basement level. The grade appears steep as well. I am assuming this would impact ADA accessibility, if required.
- I am concerned about where the runoff from the parking lot and roof drains. Everything is sloped towards the rear corner of the building where there appears to be some sort of a drain. Are this drain and the roof drains connected to the sewer system or drainage system? I think dye testing needs to be performed to see where the drains go. The applicant should arrange this with Wastewater Collections - Ken Dupont. Please note that City Code prohibits drainage connections to the sanitary sewer system. If this is identified as an illicit connection, it will be required to be separated and redirected to the drainage system at the applicant's expense.
- The applicant must contact the Water Division and confirm that suitable water service(s) exists at the property (ideally should be done prior to issuance of a Special Permit). The applicant is responsible for upgrading/replacing the water service if needed. Connection fees may apply. Please contact John Deline or Steve Neal.
- The applicant must contact the Wastewater Division and confirm that suitable sewer service exists at the property (ideally should be done prior to issuance of a Special Permit). The lateral must be CCTV inspected at the applicant's expense in the presence of DPW Engineering or DPW Wastewater. The applicant is responsible for upgrading/replacing the sewer service if needed. Connection fees may apply. Please contact Ken Dupont.
- There is a large curb cut serving a garage door on the front of the building. If this garage door is being removed, the curb cut should be closed off with new granite curbing at the applicant's expense.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to continue the hearing to next month.  
Roll call vote: Butland: Yes. Lopez: Yes. Koeck: Yes. Capodagli: Yes. Fontaine: Yes. O'Kane: Yes.  
Caron: Yes. Vote 7-0 in favor.

**OTHER BUSINESS**

Game On Fitchburg – update

Present: Peter Sangermano. Peter expressing apologies for the overflow traffic situating during the MIAA Board reviewed email from Nick E., DPW:

- The bill for the "No Parking" signs is close to \$4k. Per Tom, he should be footing the bill outside of his other monetary commitment. Not sure if that should be brought up at the meeting or not, but FPD and DPW are working on the signage to address some of the parking issues.

- Peter has agreed to donate \$ to the City in exchange for us using our paving contractor to do the paving work on Game On Way (preferable on our end because we control the process). We plan on working up an estimate and sending it to him. We will likely have to go to City Council to accept it as a donation. Does the Board want the island and dedicated turning lane at the intersection w/ Industrial? We will have sidewalks installed as part of this.

Peter plans on having additional parking installed where Fields 8 & 9 are planned.

Future meetings - venue & type

Board agreed to start having Hybrid meetings in April - - in person at the Legislative Bldg., 700 Main St., with also a Virtual option via the Zoom link assigned by FATV.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to make this change starting with the 4/26 meeting. Roll call vote: Butland: Yes. Lopez: Yes. Koeck: Yes. Capodagli: Yes. Fontaine: Yes. O'Kane: Yes. Caron: Yes. Vote 7-0 in favor.

Ms. Caron suggested that the 4/26 meeting start time be pushed back to 6:15 p.m. to give Board members extra time to get settled.

*Ms. O'Kane recused herself for the following item*

Woodland Estates, Rindge Rd. - update

Present: Joanne Hamberg. Jamie Rheault, Whitman & Bingham.

Joanne reviewed handout with schedule for installation of the 19 units left per the 2006 approval: 2022: 8 units. 2023: 7 units. 2024: 4 units. There will be no more blasting on the site until next winter, when neighbors' windows will be closed.

Public comment:

Maryellen Mara, 71 Bennett Rd. – Even if blasting has been stopped, they are still crushing & processing rock daily & hauling material off-site.

Joanne: Some excess material has needed to be truckled off-site in order to get down to the finished grades.

Hal Melanson, Bennett Rd. – The constant noise from the rock crushing is very disturbing to his 90 yr. old mother.

Board agreed: Re-open the Special Permit public hearing at next month's meeting in order to consider placing conditions on the permit, including a phasing plan and ending date.

Meeting Minutes

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to approve the 12/14/21 minutes.

Vote 7-0 in favor.

Action deferred on the 2/22/22 minutes as Ms. Caron had numerous corrections.

Motion made (Mr. Fontaine) & seconded (Ms. Koeck) to adjourn. Vote in favor.

Meeting adjourned: 9:30 p.m.

Next meeting: Tuesday, April 26 at 700 Main St.

Minutes approved: May 24, 2022.