

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, APRIL 9, 2019**

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

STAFF: Mike O’Hara, Tom Skwierawski

Call to Order

Meeting called to order at 6:03 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St.

ANR PLANS

Champa / Bellabarba, Valley St & Albee St.

Slight revision of an ANR plan endorsed by the Board in February 2019 by carving off an additional 4,800 sq. ft. of Bellabarba’s lot at 95 Valley St. and consolidating it into the abutting Champa parcel (286 Albee St.). The Board endorsed the plan.

MINOR SITE PLAN REVIEW

371-373 Lunenburg St., The Caregiver-Patient Connection

CPC had submitted a revised plan showing angled parking spaces in front of 371 Lunenburg and landscaped beds, per condition of the Planning Board Special Permit.

Board agreed to suggest that the applicant submit a revised plan showing all of the plan revisions req’d by the conditions of the Special Permit. Action on Site Plan Review deferred.

PUBLIC HEARINGS

Site Plan Review - 1425 Water St., Twin Cities Auto Sales

This item had now been advertised and notice mailed to abutters as a major Site Plan Review. Trevor Burt submitted revised site plan showing 1425 Water St. (sales office for used cars), 1423 Water (2-family dwelling), and 1427 Water (dwelling & 1st floor storefront, both vacant). Vehicle display spaces, customer & tenant parking, etc. now shown on plan. He will remove awning from the 1425 Water St. bldg. & provide some green space. He’ll have one wall sign on business. Property still has “For Sale” sign but it is not listed as for sale anymore. Board suggested that the sign be taken down. No public comment. Motion made & seconded to close public hearing. Vote in favor.

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve the Site Plan, subject to:

- Recondition or remove existing pole sign at 1427 Water St.
- Stripe spaces on existing and new pavement at 1423 & 1425 Water St.

Vote 6-0 in favor.

Joint Public Hearing - Public Shade Tree & Scenic Road Act - Pearl Hill Road, Unitil

Tree Warden Gary Withington, DPW & Dave Clapham, Unitil Forester present.

Dave presented a list and photos of trees to be trimmed or removed as part of Unitil’s Storm Reliability Program. Since Pearl Hill Road has been designated as a Scenic Road, a hearing before both the Tree Warden and Planning Board is required.

Total trees proposed to be cut: 69. 36 of them are within the street layout, 33 on private property. Until will remove cut wood unless homeowner wants it.

Q: Will stumps stay? Dave: Yes, because of cost and time. When stumps are near stone walls or on a slope, they’re difficult to grind. Mr. Van Hazinga: Leaving stumps detracts from appearance of the Scenic Road. From the photos it looks like many stumps could be removed.

Agreed: Any tree stump within the public right-of-way that is not impeded by slope or stone wall will be ground.

Public Comment:

Mike Donnelly, Mt Elam Rd.: Trees proposed to be removed are the wrong trees in the wrong places. He agreed with their removal. Mr. Withington, Tree Warden has assessed condition of trees with Unitil and agrees with their removal. Timeline: Start work week of 4/15 or 4/22.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve the proposed tree removal as shown on the list submitted by Unitil, provided that tree stumps within the public right-of-way that are not impeded by slope or stone wall shall be ground down to ground level. Vote 6-0 in favor.

Special Permit & Site Plan Review - Brennan, 768 Water St. - 2-family dwelling (cont'd from 3/12/19)

Hearing re-opened. No revisions to plan since last meeting.

Some Board members concerned with narrowness of lot (40 feet), limited lot size (barely 5,000 sq. ft.) and limited side yards. Q: Is site appropriate for a two-family?

Mr. Capodagli: Putting another two-family on the site would repeating the mistakes of the past.

Public Comment:

John Morrison: owner of radio station: If special permit is approved, he suggests that there be a common driveway access & maintenance agreement with the 5-family dwelling on the right.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Deny the Special Permit due to The constraints of the site, including a narrow lot width, limited lot size, and very limited side yards which combine to make the proposed two-family residential structure not in the best interests of the City. Vote 6-1 to Deny the Special Permit.

Special Permit & Site Plan Review - Rivarola, 37 Goodrich St., convert 2-family to 3-family dwelling (cont'd from 3/12/19. Request to continue to June 11th)

Hearing re-opened. Since the last meeting it has been confirmed by the Building Commissioner that adding a 3rd unit in the unfinished attic space will most likely require the installation of residential sprinklers. The applicant's architect would need to do a building code review. Having learned this, the applicant requested that the hearing be continued until the June meeting in order to evaluate his options. Motion made & seconded to continue the public hearing to the June meeting. Vote in favor.

Modification & Extension of Special Permit #2017- 7 - Harper Furniture renovation, 10 Main St., 1-11 Summer St. & 15 Summer St.

Hearing opened. Jon Rudzinski, Rees-Larkin Development present. He needs to ask for an extension of the 2-year period to start construction, but also is requesting a modification to increase from 42 to 44 units. Mass Historic has requested changes in the design (described in Jon's 3/22/19 Memo to the Board) and shown on plans from The Architectural Team dated Feb. 19, 2019.

Requested changes:

- # of units increased from 42 to 44.
Types: Studio: 1 unit. 1-BR: 14 units, 2-BR: 23 units. 3-BR: 6 units. Total #BRs: 66.
- # of affordable units at 60% AMI increased from 18 to 20.
- On-site parking spaces increased from 26 to 28 (includes 10 commercial spaces).
4 spaces are outside bldg.
- Off-site parking spaces leased in MART garage increased from 24 to 30.
Overflow spaces at Micron Products have been eliminated, they will no longer allow.
- Parking ratios now 1.32 spaces per unit.
- Front entrances of the Townhouses onto the sidewalk has been eliminated, access to units now via interior corridor.
- Façade of new construction has been pulled forward to be flush to the property line.
- Main St. facade now all masonry materials per NPS. NPS is requiring façade be restored to 1950s era appearance, rear façade remains painted clapboards (cement fiber panels).

Micron will no longer allow shared parking due to their multiple work shifts.

Ms. Caron suggested providing parking spaces for motorcycles, an EV charging station, also suggested lighting up building; it will be a landmark bldg. There'll be a visitor drop-off area at the rear of the bldg. Fire station will have 2 units on the 2nd floor, 1st floor will have the amenity space for the residents. The public activity space in front of the former fire station could be seating with planters & decorative fencing, but it's only intended for residents of the building.

Public comment:

Bill Larson, Micron Products, wants to make sure trash dumpsters won't be on Micron's property.

Jon: They won't be.

Glen Fossa owner of former Moran Sq. Diner, 2 Lunenburg St. supports proposal – will be good for business in the Moran Sq. area.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to Approve the requested Special Permit Modification, and also to extend the time period to start on the project to November 2010 (12 months from the original 24-month period). Vote 6-1 in favor.

Proposed Zoning Amendment - Medical Office uses (cont'd from 3/12/19)

Hearing re-opened. Mr. Fontaine continued discussion – several towns (Chelsea, Millis, Rockland) have a separate substance abuse facility as a separate use on their Use Table. Some towns have a req'd buffer between such uses and/or a buffer from residential uses, schools, etc. Some also have different parking requirements.

Board agreed: Draft an amendment with these provisions:

- Add separate line item & definition of substance abuse facility.
- Restrict use to the Medical Marijuana overlay district by Special Permit.
- Establish a minimum 1,000-foot buffer between such uses.

Draft amendment will be sent to Law Dept. to review.

Motion made & seconded to continue public hearing to May meeting. Vote in favor.

[Mr. Van Hazinga left the room prior to the following item due to a potential conflict of interest.]

Proposed Zoning Amendment - Replace existing Sec. 181.87, Smart Growth Overlay District (40R) with entirely new section

Tom: Rather than discuss the 40R amendment tonight, he'd like to switch gears & discuss the process for submitting an application the DHCD for preliminary approval of an Amendment to the 40R district. (See attached).

Motion made & seconded to authorize Tom to submit the application for preliminary approval to DHCD. Vote in favor.

Ms. Caron had several comments on the zoning amendment (marked in highlights in her version)

Motion made & seconded to continue public hearing on the 40R amendment to the May meeting. Vote in favor.

[Mr. Van Hazinga returned to the meeting.]

OTHER BUSINESS

Community Health Connections, improvements to Drepanos Drive

Jeff Angers, CHC Facilities Director & Richard Davenport, Davenport Paving present to discuss condition of CHC's 2010 Special Permit concerning reconstruction of Drepanos Drive.

Jeff submitted plan w/ proposed revisions to the street improvements on the 7/18/2001 plan:

- Eliminate island @ Nichols & Drepanos.
- Grind & replace pavement from Nichols & Drepanos westerly to CHC's main driveway, approx. 440 ft. long (shown in blue pencil) on plan.
- Raise 4 CB structures along that stretch.
- Place 4 inches of riprap on the downhill (southerly) side of Drepanos, between Tom Donnelly's driveway & Nichols St.

CHC's budget for this is \$50,000. CHC would like to substitute this proposal to satisfy the Special Permit condition.

Q: Would Board be in favor of accepting this as a partial solution, and have CHC come back in two years with a plan to do the rest? Agreed: Jeff will go to CHC's CEO with this proposal.

Mr. Capodagli is OK w/ a partial solution, but only if the City can issue a fine for a zoning violation if the rest of the road is not repaved.

Maybe CHC can reach out to the state rep. and state senator for help?

Dick D. will also see how far the \$50K will go if they leave the island at Nichols & Drepanos as is. Board agreed to continue the discussion on this next month.

Informal - 255 Main St. (fmr. Fidelity Bank site) - residential development, Krikorian

Bill Krikorian and Charles Roberts, Kuhn-Riddle Architects present to discuss preliminary proposal for "Gateway Village" a 112-unit multifamily development at the NE corner of Main & Snow Streets. Board reviewed concept plan of parcel @ NW corner of Day & Main.

All units will be market rate, 1st two levels of structure will be parking decks - 85 spaces (non-combustible material). The five levels above will be wooden construction. Height: 85 feet, which is the maximum allowed per Bldg. Code for that type of construction. Unit types: 53 1-BR, 59 2-BRs.

Board comments: Parking: Can they lease spaces in the MART garage? Mr. Van Hazinga would like to get to a 1:1 parking ratio on the site. Look at height of similar buildings in the downtown. Look at possible off-site improvements @ Main & North – working pedestrian signals are needed.

Build-out expected to be two years.

Bill plans on submitting an application & plans for the June meeting.

[Ms. Caron left the room prior to the following item due to a conflict of interest.]

Informal - ACT Labs (Independent Testing Lab), 131 John Fitch Hwy.

Logan Morse, ACT Labs, John Caveney, Caveney Architectural Collaborative & Jamie Rheault, Whitman & Bingham present. Logan gave a brief background on ACT Labs. They have locations in Penn., N.Y., Calif. & Michigan. They aim to become the 4th approved testing lab in Massachusetts. Est. 6-10 employees eventually at this location, all trained chemists, etc. If business grows they may be expanding into rest of the building. Their employees go to grow facilities & take random samples in v. small (micrograms) amounts & bring back to lab.

The location is the former SunSations Tanning Salon, adjacent to Dickie's Grillin'.

John presented floor plan for interior. The appearance of the building's façade will not change - no sign, just an address sign. ACT Labs will be submitting plans & application for the May meeting.

[Ms. Caron returned to the meeting.]

Certificate of Completion - Windsor Hts. subdivision

The subdivision covenant approved in 2000 for this subdivision (Bishop & Castle Rds.) contained a provision that the Board would issue a Certificate of Completion when the roads were complete.

This Cert. had never been done.

Motion made & seconded to authorize the Chair to sign the Certificate of Completion. Vote in favor.

Meeting Minutes

Minutes of March 12th meeting approved w/ some corrections.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 10:15 p.m.

Next meeting: May 14, 2019

Minutes approved: May 14, 2019

Hearing on 40R application to DHCD

Present: Planning Board members, Tom Skwierawski & Mike O'Hara; Community Development Dept.

Chairperson Paula Caron handed the floor to Tom Skwierawski. Tom explained that the purpose of the hearing was to, on behalf of the Mayor, authorize the City to submit an Application for Preliminary Determination of Applicability from the State. Tom noted that the Board had received the application materials, including the ordinance change, maps, and the application to the state. Tom noted that this is the state's lengthiest 40R review process, so any major changes desired by the Board should be suggested at this meeting.

Tom noted that the district in question would encompass the Municipal Parking Overlay, in addition to the 2 parcels being assembled for the Fitchburg Artists Community, at the former BF Brown School. As opposed to using a more parcel-by-parcel 40R designation, this district would offer both the City and property owners a very clear understanding of whether the "Smart Growth District" is downtown, which would then include provisions for housing density (40R), in addition to the existing provisions which allow for commercial parking relief (i.e. the Municipal Parking Overlay).

Comments by the Board on the Zoning Ordinance Text

1) There was a question about whether the City should add the Market Basket site to the list of sites. Tom noted that this site was not in the municipal parking Overlay, and since it is substantially developed. But it is a very large site, is currently underutilized, and was listed as such in our Economic Development Strategic Plan.

2) Page 3: Definitions

It was noted that artist live/work space and artist studio space had different standards for what constitutes the maximum hours/week. The Board agreed that 20 hours should be the limit for Artist Live/Work, but were unsure any limit would be needed for Artist Studio Space. The Community Development Department will check in with legal counsel on that question.

3) Page 5: Parking (Off-Street)

Chair noted we should be more explicit and in line with underlying zoning. "Room for opening doors on both sides", for example, is very in exact measure for developers. Add language that off-street parking shall comply with the provisions of 181.514 Off-Street Parking Design Standards (or copy said standards into this section).

4) Page 6: Performance Standards

Chair noted that we should include language, evident in existing 181.8723, that notes the project must also apply for applicable local and state laws with regard to hazards, etc. Chair also noted we should make explicit mention of conformance with Design Standards. Currently there is no such mention that the projects must conform to standards, except vis-a-vis affordable units.

****NOTE: I think that clause existing on page 16, (17)? Paula Confirm? A: The present section on pg. 16 only discusses procedure for adopting design standards, not applicant compliance with.**

5) Page 7: Off-Street Parking

Chair noted this language should conform to 181.8764. It shouldn't just be a distance measure, but should speak to the walkability of that distance (800 feet).

6) 181.8762 Guest Parking

Original 40R had provision (181.8762), 1 in addition for every 10 units. Recommended included here as well.

7) Recommended typo is fixed to list full 521 CMR on 6(g)

8) Page 11-13 Application procedures

Recommended that we include language from 181.879 (development narrative-**I think this language was in the 1st 40R draft from the last meeting**), and again to include adherence to Design Standards, as well as Traffic Impact Study (in original 40R provision- 181.8792(c)(4)).

9) Page 14: Plan denial criteria

-nearby properties and/or infrastructure added, in addition to “not possible to adequately mitigate significant project impacts...”

10) Page 15: Decisions

Tom noted adding that the permit shall last for 2 years. Board agreed. Additionally, Vice-Chair noted that project shall be completed within 7 years of permit. Add criteria for conditional approval from original 40R (181.8796).

11) Pages 18 & 19: Dimensional Requirements

Recommend that these only apply to new construction. Remove asterisks indicating that dimensional standards only apply to mixed-use.

12) Page 19: Accessory use add language showing it pursuant to 181.32

13) Page 19: Frontage and density

Min lot frontage downtown: 20 ft. (same as CBD zoning and other Smart Growth table).

Residential density allowance

Change maximum density from 100 to 40 units/acre, which is what the second district includes.

Public Comments

Bill Krikorian, 196 Bemis Road

What is the height limit? Currently it is 70 feet. Bill noted he has a property planned, at a vacant lot on the corner of Day and Main that is 85 feet. Board noted that would be allowed through Special Permit but not by-right.

Board closed the public hearing. Vice-Chair Fontaine made the motion to authorize the Community Development Department to submit an Application for Preliminary Determination of Applicability. Van Hazinga seconded. Motion passed unanimously, 6-0 (Caron, Fontaine Jr., Hurley, O’Kane, Van Hazinga, Capodagli) in favor. Koeck, as associate member, was also noted in favor.