The regular meeting of the City Council of the City of Fitchburg was held in the Memorial Middle School Library, 615 Rollstone St., Fitchburg, on June 18, 2019. The meeting was called to order by Vice President Amy Green at 7:01 P.M. The Clerk called the roll and seven (7) Councilors were present. Councilors Kushmerek, Beauchemin, Donnelly, and Kaddy were absent. The meeting opened with a salute to the Flag led by Councilor Fleming.

Noted for the record:

FATV was recording the audio and video of the meeting.

PUBLIC FORUM

1. Mr. Marc Dohan, NewVue Communities spoke in support of petition 76-19 and ordinance 190-19.
2. Mr. Nick Capasso, Fitchburg Art Museum Executive Director, spoke in support of ordinance 190-19.
3. Mr. Joseph Bowen, Fitchburg Cultural Council Chair, spoke in support of ordinance 190-19.
4. Mr. Calvin Brooks, City Auditor, spoke in support of suspension of the rules on several matters as detailed in the following correspondence:

City of Fitchburg
166 Boulder Drive, Suite 108
Fitchburg, Massachusetts 01420

Calvin D. Brooks
City Auditor/Finance Director

Jacquelyn M. Cronin
Deputy City Auditor

June 13, 2019

President Michael Kushmerek and Members of the Fitchburg City Council
166 Boulder Drive
Fitchburg, MA 01420

Re: Suspension of the Rules

Dear Mr. President and Councilors:

In the agenda for the June 18, 2019 City Council meeting are three orders appropriating from Available Funds to the library, to demolition, and to the Rail Trail.

Per Department of Revenue guidelines, Available Funds or Free Cash are not available for appropriation after June 30th. If City Council followed normal procedures, action on these items would be taken too late.

For that reason, I ask that City Council suspend the rules on Orders #179-19, #180-19, and #181-19, and approve the orders at your June 18th meeting.

If you have any questions, I am available any time prior to the meeting.

Thank you for your consideration.

Sincerely,

Calvin D. Brooks
City Auditor
## Available Funds Certified as of July 1, 2018

<table>
<thead>
<tr>
<th>Less Approved Appropriations</th>
<th>Available</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>01/15/19 Stabilization Fund</td>
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<tr>
<td>01/15/19 OPEB Fund</td>
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<tr>
<td>01/15/19 Airport Revenue</td>
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<tr>
<td>01/15/19 School-Longajo School Roof</td>
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<tr>
<td>01/15/19 Community Development - DPR Compliance</td>
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<td>01/15/19 Building - Tax Possession Maintenance</td>
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<tr>
<td>01/15/19 Police - Building Repairs - HVAC Units</td>
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<td>01/15/19 DPRW Parks - Labor</td>
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<tr>
<td>01/15/19 DPRW-MSAW/Stormwater Expenses</td>
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<tr>
<td>01/15/19 Law - Other Expenses</td>
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<td>01/15/19 School - Capital Projects</td>
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<td>01/15/19 Fire - Personal Services - Firefighter Contract</td>
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<td>02/05/19 Snow &amp; Ice</td>
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<tr>
<td>02/05/19 DPRW - Vehicle Replacement</td>
<td>-480,000</td>
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<tr>
<td>02/05/19 DPRW - Traffic and Street Light Repair</td>
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<td>02/05/19 Parks - Cordile Park Abatement</td>
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<td>02/05/19 Police - Vehicle Replacement</td>
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<tr>
<td>02/05/19 Community Development - Rail Trail Land Purchase</td>
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<tr>
<td>02/05/19 Senior Center - Basement Beam and Drainage</td>
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<td>03/05/19 Community Development - Zoning Ordinance Update</td>
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<td>03/05/19 Hotel - Self Service Fueling Station (Local Shares)</td>
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<td>03/05/19 Police - HVAC</td>
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<td>03/05/19 Police - Female Locker Room Design</td>
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<td>03/05/19 DPRW - Capital - Street Repair</td>
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<td>03/05/19 DPRW - Capital - Arbor Way Wall</td>
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<td>03/05/19 DPRW - Capital - Roof Repair</td>
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<td>04/02/19 DPRW - Highway - Street &amp; defeating</td>
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<td>04/09/19 Community Development - Rail Trail Easements</td>
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<tr>
<td>05/07/19 Community Development - Rail Trail Easements</td>
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<td>06/07/19 Snow &amp; Ice</td>
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<td>06/07/19 Treasurer, Postage</td>
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<td>06/07/19 Veterans, Cash &amp; Funeral Benefits</td>
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<td>05/21/19 Recreation - Riverfront Park Lighting</td>
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<td>05/21/19 Recreation - Riverfront Park lighting</td>
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<tr>
<td>05/21/19 FPWD Budget - $225,000 Host Fees + $600,000 Snow &amp; Ice Reserve</td>
<td>-825,000</td>
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</tbody>
</table>

### Subtotal - Approved Appropriations

| Balance Available                                                                                           | 934,039 |

### Less Proposed Appropriations

<table>
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<tr>
<th>Proposed Appropriations</th>
<th>Available</th>
<th>Total</th>
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<tbody>
<tr>
<td>06/04/19 DPRW - Additional Asphalt</td>
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<tr>
<td>06/04/19 DPRW - bid-to-steel leader and cold planer attachment</td>
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<td>06/04/19 Schools - Longajo Water Pipe</td>
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<td>06/04/19 Recreation - Parkhill Bath House Roof</td>
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<td>06/04/19 Recreation - Parkhill Bath House Floor</td>
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<tr>
<td>06/04/19 Police - Female Locker Room</td>
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<tr>
<td>06/04/19 Building - Parking Lot</td>
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<tr>
<td>06/04/19 Mayor - Promotions - Longajo Classic</td>
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<tr>
<td>06/18/19 Library - Personal Services - Contract</td>
<td>-10,000</td>
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<tr>
<td>06/18/19 Community Development - Demolition</td>
<td>-200,000</td>
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<tr>
<td>06/18/19 Community Development - Rail Trail Land</td>
<td>-65,700</td>
<td></td>
</tr>
</tbody>
</table>

**Balance Available if Proposed Appropriations are Approved**

6/18/2019
Farrell, Anna

From: Farrell, Anna
Sent: Friday, June 14, 2019 9:39 AM
To: Councillor Beauchemin; Councillor Clark; Councillor DiNatale; Councillor Donnelly; Councillor Fleming; Councillor Green; Councillor Kaddy; Councillor Kushmerick; Councillor Squailia; Councillor Walsh; Councillor Zarrella
Cc: Brooks, Calvin; Ellis, Scott
Subject: FW: Suspension of the Rules #186-19

' Councillors,
Please see additional request below for suspension of the rules.

Thank you and please feel free to contact me with any questions or concerns.

Anna M. Farrell
City Clerk
166 Boulder Drive
Fitchburg MA 01420
Phone - 978-829-1820
Fax – 978-829-1964
afarrell@fitchburgma.gov
www.fitchburgma.gov

From: Brooks, Calvin
Sent: Friday, June 14, 2019 9:30 AM
To: Farrell, Anna <Afarrell@fitchburgma.gov>
Subject: Suspension of the Rules #186-19

Mr. President and Councilors—After sending out yesterday’s letter regarding suspension of the rules, I realized that the Airport Manager Scott Ellis had also asked for suspension on Order #186-19. This grant to purchase environmentally friendly landscaping equipment must be accepted by June 30th. I apologize for not including this request in my earlier letter. Thank you for your consideration.

Calvin D. Brooks
City Auditor
City of Fitchburg
Tel. 978-829-1842
5. Ms. Susan Davis, HR Director and Ms. Sharon Bernard, Fitchburg Public Library Director spoke in support of suspension of the rules on Order #179-19.
6. Mr. Tom Skwierawski, Community Development Director, spoke in support of suspension of the rules on Orders 180-19, 181-19 and 185-19. Further detailed in the following correspondence:

Farrell, Anna

From: Skwierawski, Tom
Sent: Tuesday, June 18, 2019 5:08 PM
To: Farrell, Anna
Subject: Request for suspension of the rules

I am requesting a suspension of the rules on order 185-19, the MassDevelopment Brownfields Redevelopment Fund Grant for the Central Steam Plant.

Since receiving notice of the grant award in May, this project has moved along rapidly. We have been working with our contractor at VHB to develop a scope of services, which has been a challenge balancing along with an EPA grant from the Fitchburg Redevelopment Authority, whose exploratory work just got underway, and given the nature of the funding source had to start before developing this scope.

I understood they were under a time-crunch at the state level with this project, but was not aware of the extent of the crunch, until I received notice—via e-mail yesterday afternoon—that MassDevelopment would like to see a signed contract with the contractor by the end of next week. I cannot sign a contract with the consultant if the funds are not allocated, and this is not slated to go to a Council vote until July 2nd.

I apologize for the late notice, but I have been trying today to clarify if a suspension of the rules is, in fact, necessary, as I am aware this is not a request that is to be taken lightly. My MassDevelopment project contact appears to be out for the day and, given that I cannot clarify their email, I feel it’s prudent to move forward with a suspension in this case.

Tom Skwierawski
Executive Director
Department of Planning and Community Development
(978) 829-1892
166 Boulder Drive
Fitchburg, MA 01420
7. Mr. Scott Ellis, Municipal Airport Director, spoke in support of suspension of the rules on Orders 186-19 and 187-19. Further detailed in the following correspondence:

Fitchburg Municipal Airport
567 Crawford Street
Fitchburg, Ma 01420

TO: Anna M Farrell, City Clerk
FROM: Scott A Ellis, Manager
Fitchburg Airport
CC: Stephen DiNatale, Mayor. Calvin Brooks, City Auditor.
DATE: June 17th 2019
RE: Grant acceptance and suspension of the rules.

Anna, on June 7th the FAA and Mass DOT-A offered a grant to the Fitchburg Municipal Airport in the amount of $13,832,100 FAA and $768,450 State, to pay for 95% of the Airports runway reconstruction project. The remaining 5% (approx., $768,450) to be paid by the local sponsor.

This offer expires July 18th 2019, however, the airport was informed by the FAA this morning (June, 17th) that if we complete and return the offer to the FAA by June 28th we can expect a quicker disbursement and we may be able to begin construction much sooner than expected. I ask that this grant offer be placed on the Agenda for the June 18th City Council meeting for their consideration, I also request a suspension of the rules to allow a vote of acceptance without delay.

On behalf of the Commission, I thank you, The Mayor, and the City Council for your continued support.

Best regards.
Scott A Ellis
Manager
Fitchburg Municipal Airport
REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of June 4, 2019, were correctly recorded. Report accepted and minutes adopted.

COMMUNICATION

His Honor the Mayor
Appointment Letter—DPW Commissioner

The City of Fitchburg
Massachusetts
OFFICE OF THE MAYOR

June 12, 2019

The Honorable City Council
City of Fitchburg Municipal Offices
166 Boulder Drive, Ste. 108
Fitchburg, MA 01420

Re: Appointment of Commissioner of Public Works/City Engineer

Dear Honorable Councillors,

As you are aware, a Search Committee was established for the purpose of selecting a candidate to fill the impending vacancy of the Commissioner of Public Works/City Engineer position. Current Commissioner Lenny Laakso will be retiring on June 28, 2019.

As such, I hereby appoint and ask for your confirmation of Mr. Nicolas H. Bosonetto, of 71 Prospect Hill Road, Richmond, NH, to fill this vacancy for a term of three (3) years.

Sincerely,

[Signature]

Stephen L. DiNatale
Mayor

Cc: Anna Farrell, City Clerk
    Susan Davis, Director of Human Resources
    Calvin Brooks, City Auditor

Stephen L. Dinatale
MAYOR
166 BOULDER DRIVE
FITCHBURG, MA 01420
TEL (978) 829-1801

AARON TOURIGNY
CHIEF OF STAFF
ATOURIGNY@FITCBURGMA.GOV

JOAN DAVID
ADMINISTRATIVE AIDE
JOAND@FITCBURGMA.GOV
City of Fitchburg
Search Committee
Report to Mayor

Commissioner of
Public Works/City Engineer

May 2019
May 28, 2019

Mayor Stephen L. DiNatale
Municipal Offices
166 Boulder Drive, Ste. 108
Fitchburg, MA 01420

Re: Search Committee/Commissioner of Public Works/City Engineer

Dear Honorable Mayor DiNatale,

As per your request, a Search Committee was established on March 25, 2019, with its primary goal of providing a recommendation to your office for a candidate to fill the Commissioner of Public Works/City Engineer position. This vacancy is due to the retirement of current Commissioner Lenny Lalico, effective June 28, 2019.

The following individuals were appointed by your office to serve on the Search Committee:

- Susan Davis, Director of Human Resources
- Mary Delaney, Chief Procurement Officer
- Joel Kaddy, City Councillor
- Ralph Romano, District Claims Analyst/Area Engineer, MA Department of Transportation/Highway Division
- John Zarrella, Fitchburg Business Owner, Research Results, Inc.

The position was advertised, from March 5, 2019 to April 2, 2019, on the following media outlets:

- American Public Works Association (APWA – New England Chapter)
- American Society for Civil Engineers (ASCE)
- City of Fitchburg Website
- Glassdoor.com
- Massachusetts Municipal Association (MMA)
- Telegram & Gazette
- ZipRecruiter.com

We received twelve (12) applications during the aforementioned time period. The Committee selected eight (8) candidates to invite for an interview. The interviews were conducted with the candidates and concluded on May 15, 2019. Upon completion and careful consideration, the Search Committee unanimously selected one (1) candidate for recommendation and hire, Mr. Nicholas H. Bosonetto.

The members of the Committee were greatly impressed with Mr. Bosonetto’s qualifications, experience and abilities. He is a professionally certified engineer (PE) in Massachusetts, as well as in New Hampshire and holds a Master’s Degree in Civil Engineering from the University of Maine at Orono. He is currently a member of the Massachusetts Municipal Association (MMA) Transportation, Public Works and Public Utilities Committee. Additionally, he is a Baystate Roads Scholar.
Department of Human Resources

Search Committee Report
DPM Commissioner
May 29, 2019
Page 2

His past experience includes serving as the City and Transportation Engineer for the City of Lowell, where he supervised over $3 million in annual roadway construction and repaving projects, using both Chapter 90 and City capital funds and managed Transportation Improvement Programs (TIPs), as well as Capital Improvement Programs (CIPs). He was instrumental in successfully implementing the first Complete Streets project in Massachusetts, securing and managing Complete Streets and MassWorks grant funding, as part of the City of Lowell’s $35 million infrastructure modernization program. Further, he is well versed in collaborating with other City departments related to grants acquisition and multi departmental City projects.

His past experience also includes very successful interactions with the general public, City boards and commissions, as well as the City Council. He received a citation from the City of Lowell, in March of 2018, recognizing the contributions and positive impact he made upon the City through the projects he collaborated on, designed and managed.

Mr. Bosonetto demonstrated a keen understanding and extensive knowledge of various technologies used by public works departments (GIS, CAD, database and project management), as well as a strong background in asset management development.

Given his qualifications, experience and collaborative management style, the members of the Search Committee fully endorse Mr. Nicolas H. Bosonetto for the position of Commissioner of Public Works/City Engineer.

Thank you for the opportunity to serve on this important committee.

Respectfully submitted,

[Signatures]

Susan A. Davis
Mary Delaney
Joel Kaddy
Ralph Romano
John Zarrella

FITCHBURG
Massachusetts
Nicolas H. Bosonetto, PE

Over 19 years of professional experience in municipal infrastructure planning, financing, policy making, design, construction, operations and maintenance.

VHB, Project Manager, Worcester, MA 2018-2019
Managed various municipal transportation projects through the MassDOT design process. Worked closely with District 3, Regional Planning Commissions, and municipalities to secure federal and state funding for multi-million dollar projects including roundabouts, traffic signals, roadways, sidewalks, and associated Complete Streets enhancements. Part of asset management development team.

City of Lowell, City Engineer/Transportation Engineer 2015-2018
Responsible for the administration and management of the Engineering Department. Directed and managed all assets within City right-of-way including: over 200 miles of roadway and sidewalks, ADA ramps, public utilities, traffic signals, bridges, bike facilities, signage and striping. Created an asset management geodatabase to manage the City’s infrastructure and to create capital financing plans. Supervised over $3M in yearly roadway construction and repaving projects using Chapter 90 and City capital funds. Served as a trusted advisor to the City Council, Planning Board, and School Building Committee. Working closely with Department of Planning and Economic Development, secured over $2.4 million in Complete Streets and MassWorks grants, was instrumental in successfully implementing the first Complete Streets project in the Commonwealth, and oversaw design of over $20 million in economic development infrastructure improvements. Recognized by City Council to have made a positive impact on the city through an official citation in March 2018.

CHA, Transportation Engineer, Keene, NH 2007-2015
Responsible for engineering design of municipal roadway improvements and heavy highway projects. Managed $800 Million Financial Plan for I-93 widening project. Conceptualized, developed and implemented a highway drainage CAD/database system. The system architecture allowed CAD-based drainage designs to be interfaced with a database system that tracked the catchment areas, structures, pipes and outfalls as an integrated system. The database was then able to generate erosion notes, quantities, calculations, and 3D visualizations. Received the Employee Excellence Award for 2010 in an engineering firm with over 1,700 employees.

Transportation Planner, Various Localities 2001-2007
First three professional jobs were as a Transportation Planner in various regional planning commissions including: Indian Nations Council of Governments, Allegheny County Economic Development, and South West Regional Planning Commission. Performed transportation planning, asset management, and traffic studies.
CITATION

Be it hereby known to all that  
the City of Lowell in the Commonwealth of Massachusetts  
hereby offers its sincere thanks to  

Nicolas Bosonetto

For your passionate and dedicated service to the City of Lowell, Nicolas Bosonetto was named the city's Transportation Engineer in March 2015. As the city engineer beginning in 2017, your expertise expanded to all infrastructure projects in the city. From road paving to intersection section improvements and bridge repairs, planning for the Lord Overpass redesign and the new Lowell High School project, to preparing the Hamilton Canal Innovation District for business, you truly have made a positive impact on the city of Lowell.

It is not a glamorous job, but a supremely important one that keeps the city continuously moving into the future. The entire City of Lowell thanks you for your professionalism and dedication to its residents, businesses and visitors and wishes you the best of luck in your future endeavors.

Now, therefore, I, Mayor William J. Samaras, hereby offer all the best to Nicolas Bosonetto. The entire City of Lowell is proud to honor and give thanks to this distinguished individual and for all his tireless work towards making our city a better place.

Given this 27th day of March, 2018.

William J. Samaras  
Mayor

Vesna E. Nuon  
Vice Chair
Karen Cirillo  
David J. Conway  
Rodney M. Elliott  
Edward J. Kennedy  
John J. Leahy  
Rita M. Mercier  
James L. Millinazzo

Appointment read and referred to the Appointments Committee.
Finance Committee
Meeting of June 11, 2019

The Finance Committee recommended the following Order be amended to $32,000.00, and be adopted as amended:

167-19. ORDERED THAT: There be and hereby is transferred from within the sum of $20,000 same to be transferred from Fire, Personal Services, Firefighter and credited to Fire, Personal Services, Overtime.

Report read and accepted. Order amended to $32,000 and adopted as amended by unanimous vote. 7 members present. Board consists of 11 members.
Order signed by the Mayor June 19, 2019.

The Finance Committee recommended the following Orders be adopted:

168-19. ORDERED THAT: There be and hereby is transferred from within the sum of $18,000 same to be transferred from Fire, Personal Services, Sick Leave Buyback and credited to Fire, General Maintenance, Household.

169-19. ORDERED THAT: There be and hereby is transferred from within the sum of $21,000 same to be transferred from DFW Highway, Personal Services, Labor, and credited to DFW Highway, Personal Services, Overtime.

170-19. ORDERED THAT: There be and hereby is appropriated the sum of $10,000 same to be charged against Available Funds and credited to Dept. of Public Works, Expenses, Pothole Repair Supplies for the purpose of acquiring additional materials for pothole repairs.

171-19. ORDERED THAT: There be and hereby is appropriated the sum of $90,000 same to be charged against Available Funds and credited to DFW, Capital Expenditures, Equipment for the purpose of acquiring a skid-steer Loader with cold planer attachment.

172-19. ORDERED THAT: There be and hereby is appropriated the sum of $25,000 same to be charged against Available Funds and credited to School Department, Capital Improvements for the purpose of replacing a main water pipe in the basement of Longsjo Middle School.

173-19. ORDERED THAT: There be and hereby is appropriated the sum of $16,900 same to be charged against Available Funds and credited to Recreation, Expenses, Building & Grounds Repairs for the purpose of replacing the Roof on the Parkhill Park bath house.

174-19. ORDERED THAT: There be and hereby is appropriated the sum of $14,315 same to be charged against Available Funds and credited to Recreation, Expenses, Building & Grounds Repairs for the purpose of repairing and renovating the flooring of the Parkhill Park bath house.
175-19. ORDERED THAT: There be and hereby is appropriated the sum of $105,000 same to be charged against Available Funds and credited to Police, Capital Expenditures, Building Repairs for the purpose of construction of a new female locker room.

176-19. ORDERED THAT: There be and hereby is appropriated the sum of $50,000 same to be charged against Available Funds and credited to Building-Contracted Services for the purpose of digitizing Building Department paper documents.

Report read and accepted. Orders adopted by unanimous vote. 7 members present. Board consists of 11 members. Orders signed by the Mayor June 19, 2019.

Councillor Squailia recused herself from the following vote:
The Finance Committee recommended the following Order be adopted:

177-19. ORDERED THAT: There be and hereby is appropriated the sum of $10,000 same to be charged against Available Funds and credited to Mayor, Expenses, Promotions for the purpose of providing support to the Longsjö Classic.

Report read and accepted. Order adopted by unanimous vote. 6 members present. Board consists of 11 members. Order signed by the Mayor June 19, 2019.

RECESSD HEARINGS

029-19. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by amending the Table of Principle Uses concerning Medical Offices and to further define different medical and medical office uses, per vote of the Fitchburg Planning Board January 8, 2019.

CITY OF FITCHBURG
PLANNING BOARD
164 BOULDER DRIVE
FITCHBURG, MASSACHUSETTS 01420

DATE: May 30, 2019
TO: City Council
    City Clerk
FROM: Paula Caron, Chair
       Fitchburg Planning Board
SUBJECT: Petition #29-2019
Fitchburg Planning Board closed their public hearing on the above-noted petition and agreed to make the following recommendation:

1. Hearing resumed.
2. Petition remanded back to the Planning Board by unanimous vote.
3. Hearing continued to July 2, 2019 by unanimous vote. 7 members present. Board consists of 11 members.
The Planning Board recommended the following Petition be granted:

076-19.  Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District (SG) in its entirety and replacing it with a new Section 181.87.

REPORT

The Committee on Planning Board Public Hearing May 21, 2019
Fitchburg Planning Board

To amend the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District (SG) in its entirety to which was referred this petition recommending that the petition be granted.

REPORT

No. 000076

PETITION

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

The undersigned Petition your Honorable Body to Amend the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District (SG) in its entirety and replacing it with a new Section 181.87.

March 15, 2019
City Council Public Hearing May 21, 2019
In City Council

The Planning Board recommended the following Petition be granted:

076-19.  Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District (SG) in its entirety and replacing it with a new Section 181.87.
DATE: June 12, 2019

TO: City Council
    City Clerk

FROM: Paula Caron, Chair
       Fitchburg Planning Board

SUBJECT: Petition #76 - 2019
         Zoning Amendment - Replace Section 181.87, Smart Growth Overlay
         District (SG) in its entirety

At its June 11, 2019 meeting the Fitchburg Planning Board closed their public hearing
on the above-noted petition and voted 6-0 to recommend in favor of this Zoning
Ordinance Amendment.

[Note that this Amendment revised 6-11-2019 differs from the proposed amendment as
initially submitted.]
June 13, 2019

RE: Proposed Replacement to “Smart Growth” Ordinance (181.87) (Petition 076-19)

Councillors,

Pursuant to the above-referenced petition, I have submitted to the Council a proposed update to our Smart Growth Zoning (i.e. 181.87), originally adopted in 2010 by the City. This amendment was recommended unanimously by the Planning Board on June 11th, 2019 and, in effect, adds the downtown to the pre-existing Smart Growth Zone, which extends along River Street. A few other details worth noting:

**Smart Growth:** This ordinance aims to promote Smart Growth, in other words concentrating development near walkable corridors and transit centers. For those that were able to witness Smart Growth America’s Presentation to City Council in 2017, or the “Next Steps Memo” that followed it, one of their chief recommendations was to promote more housing development downtown. Those recommendations were echoed in our Economic Development Strategic Plan. Both plans saw the important connection between economic development and downtown housing production.

**Benefits to Developers:** This project streamlines the permitting process by allowing housing production by-right—requiring only Site Plan review—as opposed to a more burdensome Special Permit. It also reduces the parking requirement to 1.25 spaces per unit, compared to the current requirement of 2 spaces.

**Zoning for BF Project/Fitchburg Arts Community:** This zoning will be used for the Fitchburg Arts Community Project, which is currently prohibited under existing zoning. In addition, it will allow for streamlined housing production in parcels currently in the “Municipal Parking Overlay District”.

**M.G.L. 40B:** The proposed ordinance takes advantage of M.G.L. Chapter 40B, known as the “Smart Growth” statute, which incentivizes municipalities to adopt Smart Growth strategies. As such, the proposed ordinance has passed a rigorous state-level review, and any significant amendments would require the same, and may very well not be approved by the Commonwealth.

**Zoning Incentive Payment (ZIP):** By adopting 40B, Fitchburg becomes eligible for a ZIP based upon the number of by-eights units that could potentially be created through the ordinance. The proposed amendment makes us eligible for a $600,000 ZIP; however, since this is Fitchburg’s second district, this payment will be tied to actual production. The initial release will be in the amount of $75,000, tied to the Fitchburg Arts Community, and additional amounts will be released if and when other units are produced.

**Density Bonus Payments:** In addition, the City will be eligible for payment of $300 per unit of housing produced through this program. For the Fitchburg Arts Community, this amounts to roughly $180,000.

FITCHBURG MUNICIPAL OFFICES
166 BOULDER DR. FITCHBURG, MA 01420-3125 • PHONE: (978) 829-1890 • FAX: (978) 829-1965
The Planning and Community Development office is physically located in Suite 102 at 166 Boulder Drive
City of Fitchburg, Massachusetts
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Affordability Requirement: To be eligible for this streamlined process, applicants must have at least 20% of their housing units qualify as affordable. This requirement does not apply to projects with less than 15 units, making a number of small-scale, solely market-rate projects eligible through this program.

40B Connection: As of September 2017, 8.7% of Fitchburg's housing is classified by the state as deed-restricted affordable, less than the 10% required by M.G.L. 40B. Consequently, housing developers could simply apply for a 40B Comprehensive Permit, which allows them to circumvent local zoning ordinances in exchange for projects with at least 25% affordability. Not only will this 40B help Fitchburg meet its 40B requirements, but allows more local control over affordable housing production, and has been used as evidence (see Town of Reading, 2011) for the state to deny projects that apply for a 40B permit in a community that adopts 40B Zoning.

Enhances State Competitiveness: This ordinance also illustrates the City's alignment with the State's goals of addressing the housing shortage across the Commonwealth. This has numerous benefits, chief among them enhanced eligibility for state grant programs, such as MassWorks or Housing Tax Credits, which we need to achieve comprehensive downtown revitalization. It also makes Fitchburg a more competitive and attractive location for new talent to Fitchburg, as residents are increasingly priced out of the Boston and Worcester markets.

Enhances Local Competitiveness: Simply put, we have a scarcity of high-quality, urban housing in the City of Fitchburg. That is why existing projects such as the Yarn Lofts have long waiting lists, and is one of the reasons why nighttime foot traffic downtown is so low. This ordinance helps create more high-quality housing, and in doing so creates more consumers to live, work and play in downtown Fitchburg. More housing will improve the viability of our downtown retail and commercial sector. It will help us fill our vacant store fronts, and will complement Fitchburg State University's Theater Block project as well.

There is a lot happening downtown. Whether through partnerships like Reimagine North of Main or TDI, or through the development of over $100 million in pipeline projects downtown, there is much to be excited about. I see this ordinance as an opportunity to take that momentum a step further, creating opportunities for increased capital investment, economic development and enhanced vibrancy downtown.

If you have any questions about this ordinance in advance of Tuesday's meeting, please don’t hesitate to let me know.

Sincerely,

Tom Bieczkowski
Executive Director of Planning and Community Development
City of Fitchburg

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166 BOULDER DR, FITCHBURG, MA 01420-3125 • PHONE: (978) 829-1890 • FAX: (978) 829-1965
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Report accepted. Hearing resumed and continued to July 2, 2019 by unanimous vote. 7 members present. Board consists of 11 members.
ORDERS-FINANCE

179-19. ORDERED THAT: There be and hereby is appropriated the sum of THIRTY-NINE THOUSAND, EIGHT HUNDRED EIGHTY-EIGHT DOLLARS ($39,888.00), same to be charged against AVAILABLE FUNDS and credited to the following LIBRARY, PERSONAL SERVICES accounts:

- PROFESSIONAL: $12,921.00
- PRE-PROFESSIONAL: 12,221.00
- ASSISTANTS & PAGES: 10,988.00
- SICK TIME MUYBACK: 3,758.00

180-19. ORDERED THAT: There be and hereby is appropriated the sum of TWO HUNDRED THOUSAND AND 00/100 DOLLARS ($200,000.00), same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT, DEMOLITION for the purpose of demolishing various buildings within the City of Fitchburg.

Orders were adopted under Suspension of the Rules by unanimous vote. 7 members present. Board consists of 11 members.
Orders signed by the Mayor June 19, 2019.

181-19. ORDERED THAT: There be and hereby is appropriated the sum of SIXTY-TWO THOUSAND, SEVEN HUNDRED AND 00/100 DOLLARS ($62,700.00) same to be charged against AVAILABLE FUNDS and credited to COMMUNITY DEVELOPMENT EXPENSES, RAIL TRAIL account, for the purchase of easements along the Twin City Rail Trail.

Order was amended to $57,000.00 and adopted as amended under Suspension of the Rules. 7 members present. Board consists of 11 members.
Orders signed by the Mayor June 19, 2019.

The following Orders were referred to the Finance Committee by vote of 6 in favor and 1 opposed (Squilla). 7 members present. Board consists of 11 members.

182-19. ORDERED THAT: There be and hereby is transferred from within the sum of SIXTEEN THOUSAND AND 00/100 DOLLARS ($16,000.00), same to be transferred from CEMETERY, PERSONAL SERVICES, LABOR, and credited to CEMETERY, PERSONAL SERVICES, OVERTIME.

183-19. ORDERED THAT: There be and hereby is transferred from within the sum of THREE THOUSAND AND 00/100 DOLLARS ($3,000.00), same to be transferred from HEALTH, SANITARY LANDFILL EXPENSES and credited to HEALTH, EXPENSES.

184-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the U.S. Food and Drug Administration, Retail Standards Grant Program in the approximate amount of $1,500.00 (ONE THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to provide funding for staff to attend FDA trainings, workshops, and seminars to maintain food inspection standards.
185-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from MassDevelopment in the approximate amount of $250,000.00 (TWO HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is for environmental remediation of the Central Steam Plant site.

186-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division, Vegetative Management Program grant in the approximate amount of $1,912.80 (ONE THOUSAND, NINE HUNDRED TWELVE AND 80/100 DOLLARS) for the purpose of said grant, which is to purchase environmentally friendly landscaping equipment.

Orders were adopted under Suspension of the Rules by unanimous vote. 7 members present. Board consists of 11 members.

Orders were signed by the Mayor June 19, 2019.

187-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Federal Aviation Administration (FAA), Airport Improvement Program grant (AIP-28-2019) in the approximate amount of $13,835,100.00 (THIRTEEN MILLION, EIGHT HUNDRED THIRTY-TWO THOUSAND, ONE HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is for the construction phase of the runway 14/32 realignment project.

1. Motion to read comments from Councilor Beauchemin made by Councilor Squalia did not receive a second.
2. Motion to place comments from Councilor Beauchemin on file and place in minutes as a communication passed by unanimous vote:

   Good Evening,
   Sorry, I couldn’t make today’s meeting.
   I have a few questions for Mr. Brooks:
   #1) This loan order over $150,000, my question to you is, is it going to be paid back to the taxpayers or city?
   #2) As you are all aware, this whole project is going to cost the taxpayers well over one million dollars, and the people of Fitchburg will get very little, very little out of it.

   So, if I could be present at this meeting, without a guarantee that the airport would pay us back, my vote would be NO.

   Thank you,
   Paul Beauchemin/ Ward II Councillor.

Order adopted under Suspension of the Rules by unanimous vote.
7 members present. Board consists of 11 members.
Order signed by the Mayor June 19, 2019.
The following Orders were referred to the Finance Committee by vote of 6 in favor and 1 opposed (Squillia). 7 members present. Board consists of 11 members.

188-19. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Department of Transportation, Aeronautics Division grant in the approximate amount of $768,450.00 (SEVEN HUNDRED SIXTY-EIGHT THOUSAND, FOUR HUNDRED FIFTY AND 00/100 DOLLARS), for the purpose of said grant, which is to pay for the construction phase of the airport runway reconstruction project.

189-18. LOAN ORDER: Appropriate $15,369,000.00 to pay costs of the runway at Fitchburg Municipal Airport as outlined in the encumbered LOAN ORDER.

City of Fitchburg

ORDERS—That

$15,369,000 is appropriated to pay costs of the reconstruction of the runway at the Fitchburg Municipal Airport, including design, engineering, and administrative and construction services, and for the payment of all other costs incidental and related thereto; that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to contract for and expend any federal or state aid available for the project, provided however, that the amount authorized to be borrowed above shall be reduced to the extent of any grants, aid, or reimbursements received by the City for the project prior to the issuance of any bonds or notes on account thereof. The Treasurer is hereby authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.
ORDINANCE

155-19. AN ORDINANCE: Amending Chapter 21, section 18 of the Code of the City of Fitchburg by adding a Community Development Revolving Fund.

CITY OF FITCHBURG

IN THE YEAR

2019

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

That the General Ordinances of the City of Fitchburg, Chapter 21, section 18, as most recently amended, be further amended by adding thereto the following:

<table>
<thead>
<tr>
<th>REVOLVING FUND</th>
<th>AUTHORIZATION TO SPEND</th>
<th>DEPARTMENTAL RECEIPTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development</td>
<td>Community Development Director or</td>
<td>All related fees from community events and marketing events and tools and any unrestricted donations</td>
</tr>
<tr>
<td>Department</td>
<td>designee</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROGRAM OR ACTIVITY EXPENSES PAYABLE</th>
<th>FISCAL YEAR AUTHORIZED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Activities and Events</td>
<td>Fiscal Year 2020 and subsequent fiscal years</td>
</tr>
<tr>
<td>Costs of community events and creation and production of marketing events and tools</td>
<td></td>
</tr>
</tbody>
</table>

Ordinance was sent to a third and final reading and adopted to be enrolled and ordained by unanimous vote. 7 members present. Board consists of 11 members. Ordinance signed by the Mayor June 19, 2019.
190-19. AN ORDINANCE: Amending the Fitchburg Zoning Ordinance by revising Section 181.87, Smart Growth Overlay District in its entirety and replacing it with a new Section 181.87 as outlined in the enclosed Ordinance. (Reference Petition 76-19)

CITY OF FITCHBURG
IN THE YEAR
2019

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

WHEREAS the Department of Housing and Community Development has approved the attached ordinance.

WHEREAS the attached ordinance is consistent with petition #076-19 to which the planning board unanimously to accept the ordinance as written and provided this council with a positive report submitted on or about June 13, 2019.

WHEREFORE be it ORDAINED that;

"FITCHBURG SMART GROWTH OVERLAY DISTRICTS" (SG)

181.87 Smart Growth Zoning Districts (SGZD)

A. General Regulations that apply to all Smart Growth Zoning Districts

(1) Purposes - The purposes of the Smart Growth Zoning Districts are:

(a) To establish zoning that will encourage smart growth in accordance with the purposes of G. L. Chapter 40R,

(b) To provide an opportunity for residential development and to especially encourage mixed-use development, including both new construction and renovation of existing buildings, within a distinctive, attractive and livable environment that supports the commercial revitalization of Fitchburg.

(c) To promote continuing development and redevelopment in Fitchburg that is pedestrian friendly and consistent with Fitchburg history and architecture.

(d) To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Fitchburg and provides an environment with safety, convenience and amenity.

(e) To provide for a diversified housing stock at a variety of costs within walking distance of services and public transportation, including affordable housing and other housing types that meet the needs of the City’s population.

(f) To generate positive tax revenue for the City, and to benefit from the financial incentives provided by Massachusetts General Law Chapter 40R, while providing the opportunity for new business growth and additional local jobs.

(g) To encourage preservation and rehabilitation of historic structures and buildings.

(h) To promote efficient use of land and existing parking supply and limit the expansion of surface parking within the district by encouraging shared parking.

(i) To encourage adoption of energy efficient building practices and sustainable construction methods.

(j) To ensure compliance with the Massachusetts Department of Environmental Protection stormwater management policies and practices.

(2) Definitions - For purposes of this Section 181.87, the following definitions shall apply.

All capitalized terms shall be defined in accordance with the definitions established under the Governing Laws or as set forth in the AA Regulations. Where, for readability or other reasons, the terms defined in the AA Regulations or the Governing Laws, appear

1
without capitalization, such use shall nevertheless be presumed to have the same meaning as defined in the AA Regulations or the Governing Laws, as applicable, unless it is obvious from the context that the common law definition applies. Common law definitions shall apply to all other terms not defined in the AA Regulations or the Governing Laws, except that any terms not otherwise defined herein, in the AA Regulations or Governing Laws but defined in Section 181.10 may apply to the extent such definitions are not in conflict with the purposes of Governing Laws. To the extent that there is any conflict between the definitions set forth herein or in the AA Regulations and those contained in the Governing Laws, the terms of the Governing Laws shall govern.

Administering/Monitoring Agent – An entity designated by the Fitchburg Planning Board with the power to monitor and to enforce compliance with the provisions of this section related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the SGZD (See Section A(8))

Administrative Regulations or AA Regulations – Administrative rules and provisions relative to Plan Approval that are adopted by the Planning Board pursuant to 40R and applied to Projects in its capacity as the 40R Plan Approving Authority under Section A(8). To the extent they are applied to Projects developed under this Section 181.87, such rules and regulations, Project application form(s), any other application requirements, including the Rules & Regulations for Special Permits & Site Plan Review as revised 10-8-13, and any subsequent amendments thereof must be approved by the Department of Housing and Community Development.

Affordable Homeownership Unit - A Dwelling Unit required to be sold to an Eligible Household per the requirements of this Section.

Affordable Housing – Housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction – A deed restriction of an Affordable Unit meeting statutory requirements in Massachusetts General Law Chapter 184, Section 31 and the requirements of Section A(8) of this Article.

Affordable Rental Unit - A Dwelling Unit required to be rented to an Eligible Household per the requirements of Section A(8).

Affordable Unit - The collective reference to Affordable Homeownership Units and Affordable Rental Units.
Allowed Use – A Principal, Accessory or other permitted Use listed under Section 181.87(B). A Use that is not prohibited under Section 181.87(B).

Annual Update - A list of all approved and currently proposed Smart Growth Districts within the City of Fitchburg and other associated information, to be filed on or before July 31st of each year with the Massachusetts Department of Housing and Community Development pursuant to Massachusetts General Law Chapter 40R and applicable regulations (760 CMR 59.07(1)).

Applicant - A landowner or other petitioner who files a plan for a Development Project subject to the provisions of this Section.

Approving Authority Or Plan Approval Authority (AA) - The Fitchburg Planning Board authorized under this Section to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SG district.

Area-wide Median Income - The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

Artist Live/Work Space - A Building or any portion thereof containing units used by the occupant(s) therein for both residential use and Artist Studio Space. Retail sales of art supplies and/or art produced on-site that does not take place more than twenty (20) hours per week will be an allowable accessory use. Such units shall not constitute Bonus Units and shall be subject to the limitations on non-residential use contained in this Section 181.87, unless the applicable percentage of Affordable Units required under this Section is applied proportionately to such units within a given Project or such proportionality has been expressly waived in writing by DHCD for the Project.

Artist Studio Space - Space used for the creation, production, rehearsal or teaching of any visual art or craft, including but not limited to, painting, drawing, graphic design, photography, video, film, sculpture, and pottery; of written works of fiction or nonfiction; or of any performing art, whether for live or recorded performance, including music, dance, and theater, office of creative design professional (e.g., architect, landscape architect, industrial designer), accessory sales of such art, and other bona fide arts-related uses. Activities must conform to the following requirements:
1. The use, including storage of materials or products, shall be carried on strictly within an enclosed building.
2. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, and other customary potential impacts arising from such uses shall comply with applicable law.
3. Retail sales of art produced on-site will be an allowable accessory use.
As-of-Right or As-of-Right Development - A use or Development Project allowable under this Section without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this Section shall be considered an As-of-Right Development.

Condominium - A system of ownership of real estate, including commercial, industrial, and attached and detached residential dwelling units, established pursuant to the Condominium Act of the Commonwealth of Massachusetts, Chapter 183A of the Massachusetts General Laws, in which the apartments or dwelling units are individually owned and the land and common areas are owned in common. A condominium is not a use or a building type; rather it is a form of ownership that can apply to any use or building type.

Consumer Services - A barber shop, dry cleaning or laundry establishment, photographer's shop or studio or similar business where service is provided directly on the premises.

Density - The number of dwelling units per acre of land.

Department or DHCD – the Massachusetts Department of Housing and Community Development.

Design Standards – Provisions adopted in accordance with Section B, that shall be applicable to all Development Projects within the SGZD.

Development Project or Project - A Residential Project or Mixed Use Development Project undertaken under this Section. A Development Project shall be identified as such on the Plan which is submitted to the Plan Approving Authority for Plan Review.

Dwelling - A unit within a Building occupied exclusively as a residence for one or more families, including artist live/work space

Dwelling - Single-Family - A detached Dwelling containing only one Dwelling Unit.

Dwelling - Two-Family - A Dwelling containing only two Dwelling Units.

Dwelling - Three-Family - A Dwelling containing only three Dwelling Units.

Dwelling - Multi-Family - A Dwelling containing four or more Dwelling Units.

Eligible Household - An individual or household whose annual income is below eighty percent (80%) of the Area-wide Median Income as determined by the United States
Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Floor Area - The sum of the areas of habitable or commercially usable space on all floors of a structure, including the interior floor area of all rooms (including bathrooms and kitchens), closets, pantries, hallways that are part of a dwelling unit or inside a commercial building, including habitable finished basements but excluding cellars or unfinished basements.

Governing Laws – M.G.L. Chapter 40R and 760 CMR 59.00

Institutional Use - A non-profit or quasi-public use or institution, such as a church, library, public or private school, municipally owned or operated Building, Structure or land, used for public purpose.

Loading Space - Off-street space logically and conveniently located for bulk pickups and deliveries by truck, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Master Plan - The Fitchburg Master Plan adopted by the Fitchburg Planning Board, as amended.

Mixed-Use Development Project - A Development Project containing a mix of Residential Uses and non-residential uses as specified in Section 181.87(5) and subject to all provisions of this Section 181.87.

Non-Residential Use – A use that is listed as an allowed Exempt and Institutional Use, Commercial Use or Industrial Use in the CBD Zoning District, without need for a special permit, in the Zoning Ordinances Table 181.313 Table of Principal Use Regulations, in effect as of the date of adoption of this §181.87.

Parking (Off-Street) - For purposes of this Section 181.87(6), an off-street parking space shall conform to the provisions in Sec. 181.514, Off-street Parking Design Standards as in effect on April 16, 2018, unless otherwise approved by DHCD.

Plan - A plan depicting a proposed Development Project for all or a portion of the SGZD and which is submitted to the Planning Board for its review and approval in accordance with the provisions of this Section 181.87.
Plan Approval - The Planning Board’s authorization, acting as the Plan Approving Authority (AA) per the Governing Laws, for a proposed Development Project based on a finding of compliance with this Section and Design Standards after the conduct of a Plan Review.

Plan Review - The review procedure established by this Article and administered by the Fitchburg Planning Board acting as AA.

Residential Project – A Project that consists of residential, parking and accessory uses as defined in Section 181.87.B.

Residential Use - A use within a Building or part of a Building containing Dwelling Units as defined herein above and associated parking that is Accessory to the Dwelling Units.

Service - The performance of any act for the benefit of another with a view to profit or for a livelihood.

Smart Growth Zoning District (SGZD) - An Overlay Zoning District adopted pursuant to Massachusetts General Law Chapter 40R, in accordance with the procedures for zoning adoption and amendment as set forth in Massachusetts General Laws Chapter 40A and approved by the Department of Housing and Community Development pursuant to Massachusetts General Laws Chapter 40R and applicable regulations.

Underlying Zoning - The zoning requirements adopted pursuant to Massachusetts General Law Chapter 40A that are otherwise applicable to the geographic area in which the SGZD is located, as said requirements may be amended from time to time.

Unrestricted Unit - A Dwelling Unit that is not an Affordable Unit.

Use - The purpose for which land or a Building or Structure is arranged, designed, intended or erected, or for which land or a Building or Structure is or may be occupied.

(3) Scope and Authority - The Smart Growth Zoning District is established pursuant to the Governing Laws, and shall be deemed to overlay the parcels described in Section 181.87.B, and as more particularly shown on the Zoning Map of the City of Fitchburg, as amended. The Underlying Zoning shall remain in effect, and the Applicant shall have the option of applying for Plan Approval pursuant to the zoning controls set forth in this Section 181.87, or complying with all applicable zoning controls set forth in the Zoning Ordinance of the City of Fitchburg for the underlying district(s) or for other overlay zoning that may be therein defined. Development Projects proceeding under this Section 181.87 shall be governed solely by the provisions of this Section 181.87 and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning and other overlay provisions, including limitations upon the issuance of building permits for Residential Uses related to a rate of development or phased growth limitation or to a local...
moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.

(4) Performance Standards – All permitted Uses must comply with the following:
(a) Does not regularly emit noxious odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives, and which would not violate applicable state and federal laws.
(b) Does not present a danger to persons within or outside the SGZD by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason in violation of applicable state and federal laws.
(c) Development Projects proposed pursuant to Sec. 181.87 shall be subject to all other applicable local, state and federal regulation not applicable to zoning.
(d) All such All such Development Projects shall be governed by the requirements of this Section 181.87 and the Design Standards.
(e) Complies with Chapter 134 of the Fitchburg City Code “Stormwater Management & Erosion Control”, regardless of the amount of area being disturbed. Until such time that the City of Fitchburg has qualified for one or more density bonus payments corresponding to a number of Bonus Units that is equal to or greater than the minimum number of Incentive Units associated with any Zoning Incentive Payment received for a given SGZD established under this Section 181.87, any subsequent amendments to Stormwater Management Ordinance shall not apply to Development Projects in such SGZD until DHCD has received written notice of such amendment(s) and determined that such amendment(s) does not Unduly Restrict development within the such SGZD as per 760 CMR 59.02.

(5) Mixed-Use Development - Development Projects may not include more than 50% of the total gross floor area for Non-Residential Uses including Office, Retail, Restaurant, Service or Institutional Uses but excluding Artist Live/Work Space from such 50% requirement. Residential units must generally be located above the first-floor but may be permitted in first floor portions of the Building. Where that portion of the Building fronts on a public way, the Planning Board must determine that it is principally a residential Street or that such first floor Residential Use would be in keeping with the character of the adjoining land Uses.

(6) Off-Street Parking and Loading
(a) Off-Street Parking - Retail stores, Offices and Consumer Service establishments located within eight hundred (800) feet of a public off-street parking facility shall be exempt from off-street parking requirements provided there exists continuous pedestrian access between the parking and the entrance to the Development Project. Residential units shall require a minimum off 1.25 and a maximum of 2 off-street parking spaces per unit. In all other cases, off-street parking shall be provided to
meet the underlying zoning requirements.

(b) Guest Parking. As a condition of Plan Approval, the Approving Authority may require the provision of up to one (1) off-street parking space, in addition to the requirements in Table 181.8761, for every ten (10) Dwelling Units.

(c) Off-Street Loading & Delivery - Off-street loading spaces shall be provided to meet the underlying zoning requirements.

(d) Location of Parking - Any surface parking lot shall, to the maximum extent feasible, be located at the side or rear of a Building, relative to any public right-of-way, public open space, or pedestrian way. In no case shall surface parking for new construction be permitted within any applicable restricted Front Setback area.

(e) Waiver of Parking Requirements - The Planning Board may grant a Plan Approval providing such relief from the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed Use and will not result in or worsen parking or traffic problems in the SGZD.

The Planning Board may impose conditions of Use or occupancy appropriate to such modifications, provided that the particular use and occupancy were voluntarily proposed by the applicant and would not impair the development of housing within the District which is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

(f) Shared Use of Required Parking - Shared use may be made of required parking spaces by intermittent Use establishments, for example, churches, assembly halls or theaters, whose peak parking demand is only at night or on specific days of the week; by other Uses whose peak demand is only during the day; or in public parking lots. At the time of application, a formal agreement shall be made in writing by the owners of the Uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement.

The Applicant shall demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other industry established studies on shared parking).

(g) Cooperative Establishment and Operation of Parking Areas - Required parking spaces for any number of Uses may be provided in a combined Lot or Lots (public or private), provided that the number of spaces in the combined facility shall not be less
than the sum of those required of the individual Uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such Lot or Lots shall be within 800 feet of the Principal Buildings served.

(b) Parking Design - Parking shall be designed and constructed to comply with all applicable state or federal accessibility requirements including but not limited to the Americans with Disabilities Act (ADA) and 521 CMR 23.00, Parking and Passenger Loading Zones

(7) Open Spaces and Recreational Areas - The site design for Development Projects may include common open space and facilities. Where proposed, the Plans and any necessary supporting documents submitted with an application for Plan Approval within the SGZD shall show the general location, size, character, and general area within which common open space or facilities will be located. The Plans and documentation submitted to the Planning Board shall include a description of proposed ownership and maintenance provisions of all common open space and facilities and, if requested by the Planning Board, any necessary restrictions or easements designed to preserve the open space and recreational areas from future development. Upon consideration of the above information, the Planning Board may approve a waiver as provided for in Section 181.87(10) for a front setback to allow for common open space or facilities.

(8) Affordable Housing

(a) Affordable Units shall comply with the following requirements:

[1] For an Affordable Rental Unit, the monthly rent payment, including applicable utility allowances, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless another methodology for determining the target household size has been approved by DHCD.

[2] For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one.

[3] Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

(b) Number of Affordable Units - Twenty percent (20%) of all Dwelling Units constructed in a Development Project 13 units or larger in size shall be Affordable Units; provided however, that for Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities,
twenty-five percent (25%) of the Dwelling Units shall be Affordable Units and that the total number of affordable units within the entire SGZD equals not less than 20%.

(c) **Fractional Units** - When the application of the percentages specified in Section A(8)(a) results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

(d) **Design and Construction** - Affordable Units must be dispersed equitably and proportionately throughout a Development Project, including, where applicable, across all Buildings, floors and unit types. Affordable Units must be comparable in exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer’s rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

(e) **Unit Mix** - The total number of bedrooms in the Affordable Units shall be at least proportionate to the total number of bedrooms in all units of the Project of which the Affordable Units are a part.

(f) **Affordable Housing Restriction** - Each Affordable Unit shall be subject to an Affordable Housing Restriction approved by DHCD, pursuant to 40R, and recorded with the Worcester Northern District Registry of Deeds or Land Court Registry. All Affordable Housing Restrictions must include, at minimum, the following:

1. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity, initial unit designations, number of bedrooms and number of bedroom types of Affordable Rental Units in a Development or portion of a Development which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development Project or the rental portion of a Development Project with the designated Affordable Rental Units initially identified in the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and able to float on a limited basis, as necessary, subject to specific approval by DHCD in accordance with the AFHMP and DHCD’s AFHMP guidelines.

2. The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period customarily allowed by law, as further specified in the AA’s Plan Approval decision, but shall be no less than thirty (30) years.

3. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.
[4] Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, pursuant to 40R for the corresponding Project or phase(s) therein, the housing marketing and selection plan may provide for local preferences in resident selection. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.

[5] A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.

[6] Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.

[7] A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the Monitoring Agent.

[8] Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent.

[9] Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the City of Fitchburg, in a form approved by municipal counsel and DHCD pursuant to the Governing Laws, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.

[10] Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the provisions of this Section 181.87.A(8) and containing such other information as may be reasonably requested in order to ensure compliance with the Affordable Housing Restriction and AFHMP.

[11] Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the City of Fitchburg, in a form approved by municipal counsel and DHCD pursuant to the Governing Laws, and shall limit rental and occupancy to an Eligible Household.

[12] A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure compliance with the Affordable Housing Restriction and AFHMP.

[13] Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

(g) Administration – The Monitoring Agent shall ensure the following (See Section 181.87.A(2) (Definitions):

[1] Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed.

[2] Income eligibility of households applying for Affordable Units is properly and reliably determined.
[3] The housing marketing and resident selection plan has been approved by DHCD pursuant to the Governing Laws, conforms to all requirements and is properly administered.

[4] Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.

[5] Affordable Housing Restrictions meeting the requirements of this section are recorded with the Worcester Northern District Registry of Deeds or Land Court. In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Planning Board or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Fitchburg Planning Board.

(b) Costs of Housing Marketing and Selection Plan - The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the Monitoring Agent and the owner shall pay reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements under this Section 181.87 and the Governing Laws

(i) In combination, the various documentation required under Section A.8, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the Development Project, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

(9) Plan Approval Procedures - The Planning Board shall adopt and file with the City Clerk Administrative Regulations relative to the application requirements and contents for Plan Review, subject to approval by the Massachusetts Department of Housing and Community Development. Plan approval procedures shall be as follows:

(a) 181.8791. Pre-application review. Applicants are strongly encouraged to schedule a pre-application review with the Approving Authority staff, which may include meeting with the Fitchburg Development Review Committee. A "Concept Plan" may be submitted to help guide the development of the definitive submission for project build out. Such Concept Plan should include the following: overall building envelope areas, open space and natural resource areas, general site improvements, drainage plans, groupings of buildings and proposed land uses, anticipated parking spaces and locations, site vehicular access. The Concept Plan is intended to be used as a tool for both the Applicant and the Planning Board to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGZD.
(b) Application Procedures - All Projects are subject to Plan Approval.

[1] Submittal

[a] An application for Plan Approval shall be submitted in accordance with the requirements herein and further specified in the SGZD Administrative Regulations, on the form provided by the AA along with the application fees set forth in the Administrative Regulations. The application shall be accompanied by such plans and other documents as required by the Administrative Regulations required to verify compliance with any of the provisions of this Section in a manner that, as defined in 760 CMR 59.02, does not Unduly Restrict development within the SGZD. As part of the submission requirements of Administrative Regulations, an application for Plan Approval shall include in its submission, conformance with the requirements of Section 181.934 and the submittal requirements contained in the Planning Board’s “Rules & Regulations for Special Permits & Site Plan Review,” as in effect upon the adoption of this Section 181.87. In addition to the submission requirements of Administrative Regulations, an application for Plan Approval shall also include all of the following:

- Development narrative including all Uses, breakdown of square footage for each Use, number of housing units and zoning summary.
- Photos of adjacent properties and other properties impacted by the Development Project.

[b] An application for Plan Approval shall be filed by the Applicant with the City Clerk. A copy of the application, including the date of filing certified by the City Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the Planning Board. Application submissions must include a hard copy as well as an electronic copy in PDF. Said filing shall include any required forms provided by the Planning Board. As part of any application for Plan Approval for a Development Project, the Applicant must submit the following documents to the Planning Board and the Monitoring Agent:

- Evidence that the Development Project complies with the cost and eligibility requirements of Section A.(8);
- Development Project Plans that demonstrate compliance with the design and construction standards of Section A.(8)(d); and
- A form of Affordable Housing Restriction that satisfies the requirements of Section A.(8)(f).
- Review Fees: The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Planning Board, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City of Fitchburg in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Planning Board in reviewing the Plan.
application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;

181.8792(c)(4)). Traffic impact study. When required by the Approving Authority, the traffic impact study shall include the following information:

- A report on existing traffic conditions including estimated average daily and peak hour traffic volumes, average and peak speeds, sight distances, accident data for the previous three years, and levels of service (LOS) of intersections and streets likely to be impacted by the proposed development. Generally, such data shall be presented for all major streets and intersections within 1000 feet of the project boundaries provided, however, that all such studies shall be no more than 18 months old at the date of the application.

- Projected traffic conditions for design year of occupancy: statement of design year of occupancy, average annual background traffic growth, impacts of proposed developments which have already been approved or are pending before City boards.

- Projected impact of proposed development: Projected peak hour and daily levels and directional flows resulting from the proposed Project; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development; and projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed Project.

- Proposed methods as necessary to mitigate the estimated traffic impact and methodology and sources used to derive existing data and estimations. At the discretion of the Approving Authority, the Applicant may within a mitigation plan contribute funds for the purpose of partial design and/or construction of off-site traffic improvements provided the funding is proportional to the impacts of the traffic impacts resulting from the proposed Development Project. The Approving Authority may reduce the amount of required mitigation upon a finding that achieving this performance standard would Unduly Restrict opportunities for development.

[2] Circulation to Other Boards – In accordance with the Administrative Regulations the Planning Board shall provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions and Officials as determined by the Planning Board and to the Monitoring Agent. Subject to the requirements under 9(b)[4] below, these entities shall provide any written comments within 30 days of the filing of the Plan and application with the City Clerk.

[3] Public Hearing and Time Limits - The Planning Board shall hold a public hearing and review all applications according to the procedure specified in Massachusetts General Law Chapter 40A Section 11.
[4] The decision of the Planning Board shall require a majority vote of the board’s members and be made, and written notice of the decision filed with the City Clerk within 120 days of receipt of the application by the City Clerk. This time may be extended by mutual agreement between the Planning Board and the Applicant by written agreement filed with the City Clerk. Failure of the Planning Board to take action within said 120 days or the extended time shall be deemed an approval of the Plan Approval application.

[5] Criteria for Plan Approval - The Planning Board shall approve the Development Project upon all of the following findings:

- The Applicant has submitted the required fees and information as set forth in the SGZD Administrative Regulations
- The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section 181.87, applicable Design Standards and the SGZD Administrative Regulations, or a waiver has been granted there from, and shall also include written confirmation by the Monitoring Agent that all Affordable Housing requirements have been satisfied.
- Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.


a. The Approving Authority may impose conditions on a Development Project as necessary to ensure compliance with this §181.87 and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Project on nearby properties, insofar as such conditions are compliant with the provisions of M.G.L. c. 40S and applicable regulations and do not Unduly Restrict opportunities for development.

b. The Approving Authority may require construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address extraordinary adverse Project impacts on nearby properties.

[7] Criteria for Plan Denial - A Plan Approval application may be disapproved only where the Planning Board finds that:

- The Applicant has not submitted the required fees and information as set forth in the SGZD Administrative Regulations; or
- The Project as described in the application does not meet all the requirements and standards set forth in this Section 181.87, applicable Design Standards and the SGZD Administrative Regulations, or that a required waiver there from has not been granted; or
- It is not possible to adequately mitigate significant Project impacts on nearby properties by means of suitable conditions.
(10) Waivers - Upon request of the Applicant, the Planning Board may waive dimensional and other requirements, including Design Standards, with conditions, in the interests of design flexibility and overall Project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGZD and the Fitchburg Master Plan, and if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses and/or physical character allowed under this Section. Notwithstanding anything to the contrary in this Section (181.87) or the Zoning Ordinance of Fitchburg, the Affordable Housing provisions that comprise Section A(8) shall not be waived without the express written approval of DHCD. The Planning Board will also take into consideration the following items when considering a waiver:
   (a) High performance energy efficient Buildings and construction methods.
   (b) Projects with publicly accessible open space.
   (c) Projects that include Retail and Restaurants located on street level.
   (d) A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.
   (e) The preservation or rehabilitation of historic properties or other Buildings considered significant to the City; and/or,
   (f) Such other factors which the AA deems consistent with the Purposes described under Section 181.87.A(1)

(11) Plan Changes After Approval by Planning Board
   (a) Minor Plan Changes - After Plan Approval, an Applicant may apply to make minor changes in a Development Project that do not affect the overall build out or Building envelope of the site, or provision of open space, number of housing units, or housing need or Affordable Housing features. Such minor changes must be submitted to the Planning Board on redlined prints of the approved Plan, reflecting the proposed change, and on application forms provided by the Planning Board. The Planning Board may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Planning Board shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.
   (b) Major Plan Changes - Those changes deemed by the Planning Board to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved Plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Planning Board as a new application for Plan Approval pursuant to this Section.

(12) Fair Housing Requirement - All Development Projects within the SGZD shall comply with applicable federal, state and local fair housing laws.

(13) Project Phasing - The Planning Board may allow a Project to be phased at the request of the Applicant or to mitigate any extraordinary adverse impacts on nearby properties and provided that the submission shows the full build-out of the Project and all
associated impacts as of the completion of the final phase and subject to approval of the Planning Board. For Projects that are approved and developed in phases, the proportion of Affordable Units shall be no less than the minimum percentage required for the Project as a whole under Section A(8)(b).

(14) Decisions - The Planning Board shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected and the Plans that were the subject of the decision and certifying that a copy of the decision has been filed with the City Clerk. If 20 days have elapsed after the decision has been filed with the City Clerk without an appeal having been filed, or if such appeal having been filed is dismissed or denied, or if a Plan is approved by reason of the failure of the Planning Board to timely act, the City Clerk shall so certify on a copy of the decision. A copy of said decision shall be filed with the Registry of Deeds.

A Plan Approval shall be issued to a specific applicant and is not transferable to new ownership without the Plan Approving Authority’s review and approval. Plan Approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. A Plan Approval may, for good cause, be extended in writing by a majority vote of the Plan Approving Authority for one or more terms of not exceeding two years each, upon the written request of the applicant.

Approved Development Projects shall be substantially complete within seven years of the effective date of approval, unless the Approving Authority has granted an extension.

The Planning Board may require the posting of a performance bond to secure and/or screen a Development Project site in the event that demolition is undertaken but subsequent work lapses, for any reason within or outside the Applicant’s control, for a period longer than one year.

(15) Date of Effect - The effective date of this SGZD Ordinance (Section 181.87), as amended [DATE], shall be the date on which such adoption is voted upon by City Council pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that the Approving Authority may not issue a Plan Approval decision pursuant to this Ordinance (Section 181.87) prior to the receipt of conditional or final approval of this Ordinance (Section 181.87) and accompanying Zoning Map by the Department of Housing and Community Development.

(16) Severability - If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected but remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of the City’s Zoning Ordinance.
(17) **Design Standards** - The Planning Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all Projects. Such Design Standards must be objective and not subjective and may only address the scale and proportions of Buildings, the alignment, width, and grade of Streets and sidewalks, the type and location of infrastructure, the location of Building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

(a) Before adopting any Design Standard, the Planning Board shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the City Clerk.

(b) An application for Plan Approval that has been submitted to the City Clerk pursuant to this Section shall not be subject to any Design Standard that has not been approved by DHCD.

**B. Establishment and Delineation of the Smart Growth Zoning Districts**

(1) **West Smart Growth Zoning District (WSGZD)**

The West Smart Growth Zoning District shall consist of the following parcels, within 7 subdistricts:

<table>
<thead>
<tr>
<th>Subdistrict</th>
<th>Street Address</th>
<th>Assessors</th>
<th>Block</th>
<th>Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nockege</td>
<td>0 Nockege St.</td>
<td>28</td>
<td>23</td>
<td>0</td>
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<tr>
<td></td>
<td>93 Nockege St.</td>
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<td>24</td>
<td>0</td>
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<td>Homeline Furniture</td>
<td>1428 Main St.</td>
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<td>Premier Box</td>
<td>245 River St.</td>
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<td>Downtown Gateway</td>
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<td></td>
<td>33 River St.</td>
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<tr>
<td></td>
<td>27 River St.</td>
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</table>

(a) Establishment and Delineation of the WSGZD - The WSGZD is an overlay district that is superimposed over the Underlying District. The boundaries are delineated as the "West Smart Growth Zoning District" on the Official Zoning Map of the City of Fitchburg on file in the office of the City Clerk, said map hereby made a part of the Fitchburg Zoning Ordinance.

(b) Allowed and Prohibited Uses - Any Use not listed herein as an Allowed Use is deemed prohibited.

[1] Allowed Uses - The following Uses shall be permitted As-of-Right in the WSGZD upon Plan Approval pursuant to the provisions of this Section 181.87:
[a] Multi-Family Dwelling
[b] Mixed-Use Development Project
   [b-1] Multi-Family Dwelling
   [b-2] Single-Family, Two-Family and Three-Family Dwelling*
   [b-3] Office*
   [b-4] Retail*
   [b-5] Restaurant (excludes drive-through windows)*
   [b-6] Institutional*
   [b-7] Consumer Service*
*Only as part of a Mixed-Use Development Project; see Section 181.87(A)(5)

In addition to the Allowed Uses listed above, the following Uses are permitted As-Of-Right for Development Projects within the WSGZD subject to the requirements of this Section 181.87:
Ordinances

[g] Parking accessory to any of the above permitted Uses, including surface, garage-under, and structured parking

[h] Accessory Uses customarily incidental to any of the above permitted Principal Uses

(c) **Dimensional and Other Requirements** - Applications for Plan Approval shall be governed by this Section 181.87 and the WSGZD Design Standards.

For New Construction:

<table>
<thead>
<tr>
<th>Dimensional Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td>55 feet</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>0 feet</td>
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<tr>
<td>Maximum Front Setback</td>
<td>10 feet</td>
</tr>
<tr>
<td>Interior Setback (between Buildings on same Lot)</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

[1] **Residential Density Allowances** - The minimum Multi-Family Residential density shall be 20 units per acre and the maximum Multi-family Residential Density shall be 40 units per acre for all Lots and all Buildings.

[2] **Contiguous Lots** - In the WSGZD, where two or more Lots are contiguous or are separated by a right-of-way, such Lots may be considered as one Lot for the purpose of calculating maximum Lot coverage, parking requirements, minimum useable open space, and Dwelling Units per acre.

[3] **Age-Restricted Housing Units** - An Applicant may propose a Residential or Mixed-Use Development Project in which all Dwelling Units are designed for or are accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this Section 181.87 and the Design Standards.

(2) **Downtown Smart Growth Zoning District (DSGZD)**

(d) **Establishment and Delineation of the DSGZD** - The DSGZD is an overlay district that is superimposed over the Underlying District. The boundaries are delineated as the "Downtown Smart Growth Zoning District" on the Official Zoning Map of the City of Fitchburg on file in the office of the City Clerk, said map hereby made a part of the Fitchburg Zoning Ordinance.

(e) **Allowed and Prohibited Uses** - Any Use not listed herein as an Allowed Use is deemed prohibited.
[1] **Allowed Uses** - The following Uses shall be permitted As-of-Right in the DSGZD upon Plan Approval pursuant to the provisions of this Section 181.87:

[a] Multi-Family Dwelling

[b] Mixed-Use Development Project
   [b-1] Multi-Family Dwelling
   [b-2] Single-Family, Two-Family and Three-Family Dwelling*
   [b-3] Office *
   [b-4] Retail *
   [b-5] Restaurant (excludes drive-through windows)*
   [b-6] Institutional *
   [b-7] Consumer Service *
   [b-8] Artist Live/Work Space
   [b-9] Artist Studio Space

*Only as part of a Mixed-Use Development Project; see Section 181.87(A)(5)

In addition to the Allowed Uses listed above, the following Uses are permitted As-of-Right for Development Projects within the DSGZD subject to the requirements of this Section 181.87:

[g] Parking accessory to any of the above permitted Uses, including surface, garage-under, and structured parking

[h] Retail sales of art supplies and/or art produced on-site that does not take place more than twenty (20) hours per week.

[i] Accessory Uses customarily incidental to any of the above permitted Principal Uses and allowed by Section 181.32 Accessory Uses.

(f) **Dimensional and Other Requirements** - Applications for Plan Approval shall be governed by this Section 181.87 and the SGZD Design Standards.

For New Construction:

<table>
<thead>
<tr>
<th>Dimensional Requirement</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
<td>70 feet</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum Front Setback</td>
<td>0 feet</td>
</tr>
<tr>
<td>Maximum Front Setback</td>
<td>10 feet</td>
</tr>
<tr>
<td>Interior Setback (between buildings on same lot)</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

[1] **Residential Density Allowances** - The minimum Multi-Family Residential density shall be 20 units per acre and the maximum Multifamily Residential Density shall be 50 units per acre for all Lots and all Buildings.

[2] **Contiguous Lots** - In the DSGZD, where two or more Lots are contiguous or are separated by a right-of-way, such Lots may be considered as one Lot for the purpose of calculating maximum Lot coverage; parking requirements; minimum useable open space; and Dwelling Units per acre.
[3] **Age-Restricted Housing Units** - An Applicant may propose a Residential or Mixed-Use Development Project in which all Dwelling Units are designed for or are accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this Section 181.87 and the Design Standards.

[4] **Existing Buildings.** Notwithstanding anything to the contrary herein, a building existing as of the date of adoption of this SGZD which does not comply with the dimensional requirements described in Section 181.87.B(2)(c) above shall be deemed compliant with the setback and/or height requirements existing as of the date of adoption of this SGZD above, provided that the Project does not propose any increase in building footprint or building height.
Ordinance was held by unanimous vote. 7 members present. Board consists of 11 members.
PETITIONS

The following Petitions were referred to the Public Safety Committee by vote of 6 in favor and 1 opposed (Squilla). 7 members present. Board consists of 11 members.

191-19. Zachary Poladian, DBA Star Motor Sports, to petition for a Class II Dealer’s License located at 285 River Street, Fitchburg, MA.
THE COMMONWEALTH OF MASSACHUSETTS

City of Fitchburg

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a ........................................ class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? .......................................................... Star Motor Sports

2. Business address of concern. No. 285 River St., Fitchburg, MA. City — Town. Individual

3. If an individual, state full name and residential address. Zachary Poladian 12 Airport Rd, Fitchburg, MA

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

   President .................................................................
   Secretary ................................................................
   Treasurer ...............................................................

   If so, is your principal business the sale of new motor vehicles? Yes

   Is your principal business the buying and selling of second hand motor vehicles? Yes

   Is your principal business that of a motor vehicle junk dealer?
7. Give a complete description of all the premises to be used for the purpose of carrying on the business. 
285 River St, Fitchburg, MA. This office space with its own entrance, 2 garage bays and wrap around parking.

8. Are you a recognized agent of a motor vehicle manufacturer? \(\text{No} \)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1? \(\text{Yes or No}\)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? \(\text{Yes or No}\)

If so, in what city — town

Did you receive a license? \(\text{Yes or No}\) For what year?

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? \(\text{Yes or No}\)

Sign your name in full: 

(Date and place to represent the concurs hereby mentioned)

Residence: 18...Apto...RD, Fitchburg, MA

Zachary Poladian@Yahoo.com

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)
APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation ............................................. (Approved or Disapproved)

License No. .................................................. granted ............................................. 19 . Fee $ ........

Signed. ..............................................................................................................


CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taxed in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodelling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioners in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall remain in force from the following day of issuance upon proper bond and payment of the required fee. The fee by the licensees shall be fixed by the licensing board or officer, but in no case shall exceed $100.00. Application for license shall be made in writing to the licensing board or officer, and all applications for such license shall be accompanied by a certificate of the owner or operator of the business to which the application pertains, stating the kind of business to be conducted, the name by which the business is or will be held principal business, and that he has available a place of business suitable for the purpose. The license shall specify the term to be expired by the license for the purpose of activities on the licensed business. Pursuant for a change of license shall be attached to the license. Clerks and owners by omission or error may enter in the date of license issued by the licensing board or officer in writing, a copy of which is defined in writing to the commissioner of motor vehicles, and all licenses and permit issued hereunder to persons within this state of age of those persons, which may be held by them, which are hereby authorized to be made. No license or permit shall be issued hereunder to a person without said Class 2 until after a bond or other security sufficient shall be given in the sum of $100.00 or such greater sum as may be prescribed by the commissioner of motor vehicles, which bond or other security shall be held by the commissioner of motor vehicles until such time as the same shall be discharged for violation of any term or condition of this chapter or the rules and regulations of the commissioner of motor vehicles, and shall be approved by the commissioner of motor vehicles. The commissioner of motor vehicles may in his discretion, appoint such additional persons to act in accordance with the provisions of this chapter or the rules and regulations of the commissioner of motor vehicles, and shall be entitled to affect the same to sue the same, and shall have jurisdiction to cause any provision of this chapter or the rules and regulations of the commissioner of motor vehicles to be enforced by any person holding a license hereunder, and shall have jurisdiction in any respect that any person holding a license hereunder has, and may affect or reverse the decision of the board or officer and may make any appropriate decree. The decision of the board shall be final.
The City of Fitchburg

Business Certificate Number
94-19

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare (s) that a business is conducted under the title of

Company: Star Motor Sports
Address: 285 River St Fitchburg MA

By the following named person(s): (Include Corporate name and Title, If Corporate Officer)

FULL NAME: Zachary Mitchell Peladon

RESIDENCE: 10 Belgrade Rd Fitchburg MA

SIGNATURES:

Zachary Mitchell Peladon

ON THIS 12TH DAY OF June, 2019

Before me, the undersigned notary public, personally appeared

Zachary Mitchell Peladon

proven to me through satisfactory evidence of identification which were

Dr. License

to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief.

2022

NOTARY PUBLIC

MY COMMISSION EXPIRES

In accordance with the provisions of Chapter 337 of the Acts of 1985 and Chapter 110, Section 5 of Mass. General Laws, Business Certificates Shall be in Effect For Four Years from the date of issue and shall be renewed each four years thereafter. A statement under Oath must be filed with the City Clerk upon discontinuing, retiring or withdrawing from such business or partnership.

Copies of such Certificates shall be available at the address at which such Business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business.

Violations are subject to a fine of not more than three hundred dollars ($300) for each month during which such violation continues.

CERTIFICATE EXPIRES: June 12, 2023
Fitchburg, Massachusetts
Office of the Building Commissioner

5/31/2019

Zachary Poladian
12 Airport Road
Fitchburg, MA 01420

Re: Form of Intent for 285 River Street Map 39 Block 51 Lot 0

Dear Zachary Poladian,

I have reviewed your May 9, 2019 form of intent to open a car dealership with a license for four cars at 285 River Street Fitchburg, MA. The building is located in the Industrial zoning district. Based on Table 181.313 of the Fitchburg Zoning Code a Motor vehicle and equipment sales is prohibited in this district. I am in possession of a special permit allowing this use but for four cars only.

You will need to apply for the following permits/licenses:
- Business certificate from the City Clerk.
- Building permit from the building department.
- Certificate of inspection from the building department.
- A dealers license for four cars from the license commission

If you are aggrieved by a Zoning interpretation, order, requirement, direction or failure to act by the Building Commissioner you may file notice of appeal with the Zoning Appeals Board by 7/5/2019. Don’t hesitate to call or email me with any questions. Phone 978-829-1880 email mbarbadoro@fitchburgma.gov.

Respectfully,

Mark Barbadoro
Building Commissioner

City Hall, 166 Boulder Drive, Fitchburg, MA 01420 (978) 829-1880 Fax (978) 829-1963
Petitions

192-19. Councilor Marisa Fléming, on behalf of James Wilson, 54 Snow Street, to remove “No Parking” signs across from his home to allow more street parking or allow residents to park on the property owned by the Redevelopment Authority.

The following Petition was referred to the Public Works Committee by vote of 6 in favor and 1 opposed (Squailla). 7 members present. Board consists of 11 members.

193-19. Councilor Michael Kushmerek, on behalf of resident Jannine Carson, to trim the tree canopy on Longwood Avenue between its intersections with Lyman Street and Upland Street.

The meeting adjourned at 7:52 P.M.

Anhă M. Farrell, City Clerk