

**FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, AUGUST 8, 2017**

**MEMBERS PRESENT:** Paula Caron, Chair  
Peter Capodagli  
Paul Fontaine, Jr.  
Mike Hurley  
Laura O’Kane  
Andrew Van Hazinga (6)

**STAFF:** Mike O’Hara, Steffani Santiago, Tom Skwierawski, Liz Murphy, Mary Jo Bohart

**Call to Order**

Meeting called to order at 6:01 p.m. in the Community Room, Fitchburg Fire Headquarters, 33 North St. Ms. Caron asked the Planning Department to move the review of the meeting minutes to the end of the agenda for all future meetings.

**ANR Plans**

None.

**MINOR SITE PLAN REVIEW**

16 Mill St., change of use to “The Haven Church, Inc.”

Present Timothy Robinson, Lead Pastor of The Haven Church

Applicant would like to hold worship service for The Haven Church at the location. The small venue would be temporary until the amount of parishioners increased. The Church currently has 10-15 parishioners who meet once a week (Sundays).

Ms. Caron: Where will the parishioners park? Mr. Robinson: There is parking in the municipal parking garage on other side of Mill St.

Mr. Fontaine: Is the parking lot outside of Riverfront Park public parking?

Mr. O’Hara believes that area is for TD Bank and Shacks. There is on street parking on Boulder Drive. Depending on the hours, the parking garage is an option.

Mr. Robinson: Service is held on Sundays from 10:00 a.m.-11:00 a.m.

Mr. Capodagli: Will you serve food? Mr. Robinson: No, there is not enough room at the location. First Baptist of Fitchburg on John Fitch Hwy. has offered the use of their space for events.

Motion made & seconded to approve plan as a Minor Site Plan. Vote in favor.

**PUBLIC HEARINGS**

Special Permit renewal - SBA Towers II, LLC, Wireless Communications facility, 609 Wanoosnoc Road (continued from 7/11/17)

Hearing re-opened. The Board was reminded that the hearing was continued from the July meeting since dept. 35-day review period per Sec. 181.933 of the Zoning Ordinance had not elapsed. No additional comments were received from the Department Heads and 35-day period has expired. Atty. Boucher representing SBA informed Mr. O’Hara that the weight limit advisory sign was still posted on the bridge but was blocked from sight by overgrown vegetation. Vegetation has been cleared and sign is now visible; pictures were emailed to Mr. O’Hara for reference. 2015 Structural Analyses verified no structural changes have occurred. Small pothole near steel panel on bridge was filled and culvert was inspected by structural engineer. The \$20k tower removal bond is still in effect. Atty. Boucher had advised the Board at the July 11<sup>th</sup> meeting that the Applicant had renewed their lease for a five-year term with the landowner (Pandiscio, Inc.) which will expire August, 2020. Applicant had requested the Board grant the renewal for a five year term and that the Special Permit be transferrable to the new entity.

Mr. Fontaine: The reason the Board made the Special Permit non-transferrable was to ensure tax compliance awareness should the tower be sold to a new entity and keep the Board apprised of such a transfer of ownership.

Ms. Caron: Agreed with Mr. Fontaine.

Mr. O'Hara stated the Applicant knew the name of the new entity and said party was aware of the tax compliance requirements. Mr. O'Hara suggested that when any such transfer occurs a notice be sent to the Planning Board.

Mr. Fontaine suggested listing both names on the SP renewal, if we know the name of the new entity. If the transfer would be to different corporation, the Applicant will have to send a letter to the Board advising them of the new entity.

Public Comment: None.

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

Motion made (Mr. Fontaine) & seconded (Mr. Van Hazinga) to approve the Renewal of the Special Permit for a five year term with the following condition.

- Special Permit is issued to the applicant, SBA Towers II, LLC, but will be transferable to TCO Land, LLC and/or any entity related to SBA Communications Corporation. A transfer to any other entity will require a notice be sent to the Planning Board for their review and approval.

Vote 6-0 in Favor.

Special Permit - NS AJO Holdings, Inc., proposed Medical Marijuana Dispensing Facility, 20 Authority Drive (continued from 7/11/17)

Hearing re-opened. Present: Aidan O'Donovan, CEO of NS AJO Holdings, Inc., Atty. Michael Ross of Prince Lobel Tye LLP, Dan Linskey, Managing Director of Kroll Associates, Kurt Smith & Sam Hemingway of Fuss & O'Neil.

Hearing was continued from the 7/11/17 meeting since the 35-day review period per Sec. 181.933 of the Ordinance had not elapsed. Atty. Ross informed the Board that they had just come from an abutters' informational meeting held at Sawmill Pond Condo Association. Approximately five residents and the Ward Councilor, Joel Kaddy were in attendance. Mr. Ross recollected at the July meeting there was confusion as to whether or not the Police Chief had requested a security fence be installed along the perimeter of the facility. Dan Linskey contacted Chief Martineau directly and it was determined that the security fence is not needed as there is an extensive security plan in place that will continue to change and evolve as development commences. Both Mr. Linskey and Chief Martineau shared in the Board's concern that the installation of a security fence would not aid in the overall goal to remain inconspicuous and would make the facility look more like a fortress.

Mr. Linskey: There was a misunderstanding in the fence conversation with the Chief at the informational meeting that was held at City Hall 6/20/17. Chief Martineau suggested a security fence because he thought vehicles were being loaded outside of the building. The Chief now understands that all loading would be done inside the facility & agrees a security fence would be too robust and not be needed.

Mr. Fontaine: Who owns the existing chain link fence? Atty. Ross: Mass DOT.

Atty. Ross advised the Applicant is willing to remove and replace the chain link fence with a decorative black wrought iron fence, if Mass DOT assents to removal of existing fence.

Mr. O'Hara: If there is any push back from Mass DOT give the C.D. or Mayor's office a call.

Mr. Fontaine: The Board would need to grant a waiver of the 300-foot requirement form a residential property. Does the Board have a proximity drawing outlining the 300-foot buffer zone from the facility and the several Residential Uses within it? Yes, applicant did provide a plan with the cultivation application. Copy will be added to distribution file for reference.

Agreed: If Mass DOT is okay with the removal of the existing fence then the Applicant need only remove the existing chain link fence. If Mass DOT requires that a fence be in place but is willing to allow Applicant to remove exiting fence then remove the chain link fence and install an ornate fence. However, if Mass DOT does not allow the removal or replacement then no change is required by Applicant.

Ms. Caron: Modifications need to be made to Special Permit #17-03 granted for cultivation & processing. The Board and Atty. Ross discussed what amendments were necessary.

- Special Condition #1. None of the 20 Authority Drive site may be used for retail sales of Medical Marijuana.
- #4. Provide Board with landscaping plan (to include frontage fence) and updated DPH documentation.

Ms. Caron stated the modification could be done as an administrative change and would not necessitate a hearing. Atty. Ross stated he would review the Special Permit conditions as well and email if any other amendments were necessary.

Mr. Fontaine: Suggested wording for Condition #4 – *“Remove or replace existing chain link fence if allowable”*.

Atty. Ross advised the Board the last time the Applicant was in front of the Board the State law had not changed. State legislature revised the marijuana laws, bill was signed into law 7/28/17. As part of the licensing process all retail pot shops are required to enter into Host Agreements with the host community. Applicants who were granted approval for medical marijuana cultivation prior to the revised bill were allowed to use site for recreational cultivation. Revised bill now allows municipalities to require applicants appear before Boards for approval of additional recreational use.

Ms. Caron: Have we received comments from all Dept. Heads? Criteria has been met?

Mr. O’Hara: Yes, no objection, no additional comments.

Public Comment:

Kevin Aubuchon, Fifth Mass. Tpk. – Abutter spoke in support of application. A Medical marijuana user currently has to drive 45 minutes to dispensary. Stated he would like to see sidewalks installed on Princeton Road for pedestrians that would access the facility. Mr. Aubuchon asked the Applicant what timeline was for opening.

Mr. O’Donovan: Once permitting is in place, the current occupant has 90 days to vacate. Construction period est. 4-6 months. Anticipates dispensary will be open to the public in about a year. Explained there are many moving parts: State approvals, municipal permitting, funding, construction, etc.

Mr. O’Hara: Is AJO approved to distribute in other communities?

Atty. Ross: Just received final approval in Watertown. Applicant still in process in Dorchester.

Mr. Fontaine: Has Host Agreement been signed?

Atty. Vincent Pusateri, City Solicitor: Not yet, just reviewed revisions. The Law Department is completing the final terms and will be sending out for review. He anticipates executed agreement in a few weeks.

Atty. Pusateri thanked Mr. O’Donovan and Atty. Ross for their time and effort and stated it has been a pleasure working with them. Mr. O’Donovan and Atty. Ross thanked Atty. Pusateri and the Board.

Mr. Fontaine: Host Agreement will need to be executed before permit is issued.

Mr. Fontaine: Suggested stipulating a timeline in Special Permit for landscaping and lighting requirements to be completed.

Board discussed and agreed 6 month from the issuance of an occupancy permit. Mr. O’Hara advised the Applicant should he need an extension he need only request one in writing and come back for Board approval.

Atty. Ross advised all elements would need to be addressed (security, landscaping, lighting) before the distribution facility was allowed to open. Confident all items will be addressed prior to application for certificate of occupancy is requested.

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

Motion made (Mr. Hurley) & seconded (Mr. Van Hazinga) to approve a minor modification of the cultivation and processing Special Permit granted in February by amending special conditions #1 and #4 as follows:

1. This site may not be used for retail sales of Medical Marijuana, unless a separate permit approval is granted pursuant to Section 181.64 of the Zoning Ordinance, as a Medical Marijuana Dispensary (MMD).
4. Provide Board with landscaping plan (including the removal or replacement of existing chain link fence along frontage, if allowable) and updated DPH documentation.

Vote 6-0 in Favor.

Motion made (Mr. Fontaine) and seconded (Mr. Hurley) to approve Special Permit application subject to the conditions stipulated in Section 181.646 of the City of Fitchburg Zoning Ordinance and the following conditions.

- Contact Mass DOT to discuss disposition of existing chain link fence. Remove or replace subject to Mass DOT approval.
- Executed Community Host Agreement
- Site lighting & landscaping to be completed within six months from the issuance of certificate of occupancy.

Vote 6-0 in Favor.

Site Plan Review - Fitchburg Renewables, LLC, 239 Fisher Rd. - 3 MW ground-mounted solar array  
Hearing opened. Present: Ben Axelman, Manager of Solar Development at NexAmp and Michael Scott, P.E., of Waterman Design Associates. This is NexAmp's third solar project in Fitchburg. Pearl Hill Road came online a few months ago and Ashby State Road construction is in the final stages. This site is an old farmstead/abandoned apple orchard. Proposing to construct a 4.5MW array, array will tie into grid.

Mr. Van Hazinga: How does this project compare in size to other projects NexAmp has done?

Mr. Axelman: Pearl Hill Road is a 700KW array and Ashby State Road is 2.6MW. Mr. Van Hazinga: Does that include both phases on Ashby State Road?

Mr. Axelman: Yes, each phase is 1.3MW.

Michael Scott, P.E., presented aerial plan to the Board for reference. Site consists of 46 acres. Existing farm house buildings on site are in disrepair. Applicant appeared in front of ConCom 7/25/17 and conducted a site walk with ConCom members. Falulah Brook and an unnamed Brook runs through site. No wetland impacts, some of array is within the 100-foot buffer. Applicant will be going back in front of ConCom this month to address questions posed by the Members at the last meeting. Tree clearing and grading will be done. Access to site will be via existing driveway on Fisher Road. The existing farmhouses and existing farm buildings on site are dilapidated. A 7 ft. chain link fence with locked gates for pedestrian and vehicle access, will be installed along the perimeter of the solar array field. Tree clearing will occur within the solar array footprint. New overhead lines will be installed connecting to Unitil's power system at Fisher Road. Trees outside the 7 ft. chain link fence to the west and south of the property will be cut, but the stumps will remain. Trees to the east of the property within the chain link fence, will be cut and stumped. Site was once an apple orchard, soil is believed to contain arsenic. Soil will not be effected by use. Solar array lifespan is typically 25-30 years. Proposing to extend existing driveway to site. Met with dept. heads 7/25/17 for comments. Lt. Jordan asked the access driveway be modified by increasing the width of the road to 20 ft. and adding turnaround points for emergency vehicles. Water Dept. wants hydrant on the street & the once closed to farmhouse left in place.

Mr. Fontaine: Will you replace the hydrant if it needs to be updated?

Mr. Scott: We are working with the Water Department and waiting for a determination as to the status of the hydrant.

Mr. O'Hara: Lt. Jordan had mentioned it would be beneficial for the firefighters to have training for solar system safety and emergency procedure to develop an emergency response plan.

Mr. Axelman: NexAmp offers training for proper emergency procedure and would be happy to work with the Fire Department.

Mr. Fontaine: What type of training is offered?

Mr. Axelman: Training in the event of a fire, or if someone is electrocuted or if there was an accident on site, whether it be someone entering the site illegally or an employee doing a site check. There is a disconnect switch at the road in the event of an emergency. The inverter pad will be located in the center of the array, by doing so it creates less line loss, is more efficient and the humming noise produced from the inverter won't be heard by abutters.

Mr. Van Hazinga: Inverter location will be within an acceptable range of audibility?

Mr. Axelman: Site is fairly remote. The closest residential uses are two group homes on the edge of the property.

Mr. Scott: Approx. 30-40 rows of arrays, plus the fence and vegetation; abutters will have little to no noise impact.

Ms. Caron: Would like to see increased vegetated buffer, suggested planting arborvitaes and leaving 75-100 ft. of apple trees buffer facing Fisher Road to shield fence.

Mr. Axelman: By increasing the apple tree buffer we would lose a significant area of solar panels.

Mr. Fontaine: Approx., how many rows would you lose? Mr. Axelman: Approx., 6-8 rows of 75.

Ms. Caron: It would be ideal to increase the buffer.

Mr. Fontaine: Approx., how many panels will be installed? Mr. Axelman: Roughly 12,500.

Christine Tartaglia, 162 Fisher Rd., - Spoke out and asked if the proposed project was for a 3 MW array or a 4.5 MW array. Legal Notice listed 3 MW array.

Mr. Axelman: The project will be a 4.5 MW array.

Mr. Hurley: During site work will the soil be removed from where the apple orchard existed.

Mr. Axelman: The soil will be moved, but not removed from the site. The area will be cleared, the soil stock piled and then restored. We are aware of the arsenic potential due to the former use. NexAmp hired an LSP to prepare a health and safety plan. Looking at old farm houses for hazardous materials and soil conditions.

Mr. Scott: Once construction is completed the site will be a meadow, the perimeter will be a brushy wooded area. Clearing down 50 ft. vertical, trees flush with level area to prevent shading.

Mr. Hurley: The area off Fisher Rd., by the bridge has been a dumping ground. He'd like to see a plan where perhaps NexAmp hires a company to clean up the area once every six months or so.

Mr. Axelman advised NexAmp will be leasing the property and is not the owner.

Ms. Caron: Are you leasing the entire parcel?

Bruce Willard, 549 Fisher Rd - Advised he would be purchasing the property and will take responsibility for trash removal at that location. He asked that the City remove the concrete/granite slabs that are also located at the site.

Mr. Axelman: After the array is installed the site will be visited 1-2 times a year.

Ms. O'Kane: What type of maintenance is conducted?

Mr. Axelman: Mow the grass, check array panels, regular maintenance. The array is monitored electronically via a data acquisition system at their Haverhill office.

Ms. Caron: During construction, how will construction vehicles access the site?

Ms. Caron expressed concern relative to the integrity of the existing bridge on Fisher Rd. and the added impact of the heavy duty construction vehicles.

Mr. Axelman: Ashby State Rd. to Richardson Rd. to Fisher Rd.

Ms. O'Kane: Other than the chain link fence, will the site have additional security?

Mr. Axelman: No, other solar companies have installed security cameras on their sites. So far we have had no reason to install cameras or any other security features at our projects sites.

Ms. Caron expressed concern relative to the visual effect the proposed clearing would cause. The area being cleared is relatively steep and could cause potential erosion.

Mr. Scott: Stormwater analysis showed no concerns. The fallen trees will cause a temporary disturbance, then the area will be revegetated. Proper erosion control measures will be in place. There will be frequent NPDS monitoring.

**Public Comment:**

Josiah Richards, 199 Fisher Rd. – Confident with proposal Applicant presented. Buffer zone that has been proposed should be sufficient and not cause negative visual impact. Dumping is more of a systemic issue in the City.

Mr. Hurley agrees, but would like to see something done. Perhaps the applicant, in good faith, could contract a trash removal company to remove items once or twice a year.

Lloyd Wentzell, 176 Fisher Rd. – Under the impression there would be enough trees not cleared from the perimeter to not see the fence from the road front. What will the visual be for the abutters at the lower end of Fisher Rd.?

Mr. Scott: There will be a 40 ft. - 50 ft. tree buffer and then limited clearing. Trees will be cut but not stumped. The 7 ft. chain link fence will be installed around the perimeter of the solar array.

Lloyd Wentzell, 176 Fisher Rd. - How tall will the panels be? Mr. Scott: Approximately 3 ft. to 10 ft. high. Ms. Caron asked applicant to consider increasing the tree buffer.

Christine Tartaglia, 162 Fisher Rd. – Has lived on Fisher Rd., for 9 yrs. Trees on the hill are not very strong. Stormwater runoff is damaging the road. Also concerned about how the installation of a fence will affect the wildlife in the area.

Mr. Axelman: A gap could be left at the bottom of the fence to not impede critters access. The National Electric Code and the Department of Energy requires a fence be installed around the perimeter array for safety reasons.

Christine Tartaglia, 162 Fisher Rd. - What is the benefit for abutters?

Mr. Axelman: The project will provide tax revenue to the City. NexAmp hopes this array will be a Community Solar project. If eligible, residents provide their latest utility bill and NexAmp representatives review applicant's account details and analyzes electricity usage to determine how much solar energy would be required. Our Community Solar projects generate net metering credits throughout the year. Each month, subscribers earn a share of these credits, which offset their electricity bill. Subscribers pay NexAmp for the credits at a fixed discount.

Mr. Wentzell: Will abutters have first option? Mr. Axelman: We would be happy to do that.

Mr. Van Hazinga: Other solar farm projects in the area like Marshall Rd., and Ashby State Rd., have been more effectively buffered, maybe due to the scale of the project. He asked the Applicant to consider leaving as much vegetation as possible.

Mr. Fontaine suggested increasing the buffer by leaving an additional 2-3 rows of apple trees.

Mr. Axelman: We will express concerns to our engineers and discuss what options we have.

Mr. Hurley suggested plantings at the bottom of the slope to aid with stormwater flow.

Q. Hours of operation?

Mr. Axelman: We will work within the City's required hours of operation.

Atty. Tree, Asst. City Solicitor, advised the City Code lists quiet hours are from 6:00 p.m. to 7:00 a.m.

Q: Timeline? Mr. Axelman: Due to the timeline to get permitting in order, it is anticipated site work will begin in the spring of 2018 & take three months to build

Q. Will the solar array cause implications for health for abutters in the area?

Mr. Axelman: Silicon-based solar panels are used, there are no toxic or hazardous materials used. Nexamp is the largest solar company in the State. We have built 150 MW of solar projects. We have an excellent safety record and pride ourselves in professionalism.

Mr. Fontaine: A standard condition for solar array projects is that the Applicant decommission panels that are inactive for a period of more than 12 months, and return the site to its original state.

*NOTE: (Mr. Fontaine requested the Planning Department provide a copy of the Site Plan Approval for the Alpine Road solar project for the Board to review the stipulated conditional requirements.)*

Mr. O'Hara suggested coordinating a site walk if the Board was interested.

Motion made (Mr. Fontaine) and seconded (Mr. Van Hazinga) to continue the hearing to Sept. 12th. Vote in favor.

### **OTHER BUSINESS**

#### Update on Harper Furniture project - 10 Main St., 1-11 & 15 Summer St.

Present Bill Krikorian and Jon Rudzinski of Rees-Larkin Development.

Mr. Krikorian advised the Board due to funding issues revisions were made to the Harper Furniture.

Jon Rundzinski is the new developer of the project, now proposing 42 units, decreased from 49.

Mr. Rundzinski wanted to give the Board a status update of the development of the project and the proposed changes. He'll take the Board's concerns into consideration and come back at a later meeting to make a formal presentation for determination. Copies of the updated conceptual plans were presented to the Board. The project will consist of three lots 10 Main Street (Harper Furniture building) 1-11 Summer Street (vacant lot) and 15 Summer Street (old fire station). Due to the # of changes proposed, Mr. Rudzinski requested the Board consider reissuing a special permit rather than amending the existing approval due to the extent of the changes in the current proposal. Initial application stated the apartments would be market rate, in new proposal Applicant will be applying for Federal and State funds which requires a minimum number of affordable units. 15 Summer Street (old fire station) will not be demolished. The Moran Square Historic District is in the process of being designated by Mass Historic. Applicant plans to apply for Federal & State Historical Tax Credits and renovate the building. Building approximately 8,124 GSF, the first floor would be used as management office/amenities, second floor residential units.

Mr. Van Hazinga: What type of affordable units are required?

Mr. Rudzinski: Proposing layers, different percentages.

Mr. Fontaine advised Mr. Rudzinski of the CVS project located at 161 Main St., (what had been initially proposed compared to what was constructed). Mr. Fontaine stated he was intrigued by the overall proposal of the proposed project, but was weary of the same outcome as the CVS project.

Mr. Rudzinski: Building at 10 Main Street (Harper Furniture building) will be renovated. Basement will be used for commercial space, resident storage and 6 enclosed parking spaces. First floor will be used for commercial space and remaining floors for residential units.

Mr. Rudzinski: 1-11 Summer Street (currently a vacant lot) proposing to construct a six level building (approx., 45,086 GSF). Basement would be used as enclosed parking (approx. 20 spaces), remaining floors will be used for residential units. Applicant has a parking agreement in place with Micron for 10 parking spaces.

Ms. Caron: First floor of Harper Furniture building will be used as a commercial space?

Mr. Rudzinski: Yes, FATV has executed a letter of intent to lease the space.

Mr. Van Hazinga: Reiterated the lack of onsite parking could cause limitations for potential commercial tenants and asked the Applicant keep that in mind as well.

Mr. Fontaine: Applicant should consider the impact not having onsite parking could cause for future commercial tenants. How does Micron feel about the decrease in parking? Could cause a potential problem with individuals parking in Micron's parking lot during business hours.

Mr. Rudzinski: Cars would have to be towed. Believes the problem, if there was one, would be temporary as once the first few cars are towed residents wouldn't continue to take the risk.

Mr. Rudzinski advised he was hoping to use MassWorks grant for sidewalk improvements.

Ms. Caron: Sidewalk improvements are typically a conditional requirement in Planning Board approval.

Ms. Caron: Some of the proposed units are 3-4 bedrooms. Concerned about current parking proposal.

Mr. Rudzinski: Would the adjacent parking garage be a viable option? Ms. Caron: Yes, if applicant secured them.

Mr. Rudzinski has been involved with a similar residential project in Lowell that consisted of 78 units. Parking spaces in a nearby parking garage had been leased for additional parking.

Mr. Fontaine stated Highland Ave., and Myrtle Ave., are already overwhelmed with on-street parking. Applicant should make every effort to secure dedicated parking spaces for tenants. Mr. Fontaine suggested contacting Fitchburg Plumbing to inquire if owner would be interested in leasing area for parking spaces.

Bill Kirkorian spoke with property owner of Fitchburg Plumbing property; he is not interested in renting spaces.

Mr. Fontaine: Perhaps you could add 2-3 more parking spaces by the loading dock behind the old fire station.

Ms. Caron: Current parking proposal is less than 1 space per unit, not including commercial aspect. Applicant needs to review parking proposal.

Mr. Van Hazinga: Would like to see 1 space per unit secured, on or off site.

Mr. Fontaine: The Board has approved other special permits contingent on yearly renewable lease agreements with the MART parking garage for parking spaces via permitting conditions.

Mr. Van Hazinga suggested Mr. Rudzinski contact MART and inquire as to how many spaces are available.

Mr. Fontaine expressed concern relative to entryway doors for residential units on the first floor in building 2 (1-11 Summer St.). Stated he would like to hear DPW, Police and Fire comments. Suggested decorative windows instead of doors.

Mr. Capodagli: Why not build a two-level garage?

Mr. Rudzinski: In a viability point of view, it is not needed. Financing is more focused on the residential aspect.

Ms. Caron: Per the letter of intent and discussion with FATV, are they requiring parking on site?

Mr. Kirkorian: FATV requested 10 employee spaces.

Mr. Fontaine: The goal is to find as many parking spaces as you can within 50 ft. of the building. Parking garage spaces are an option as long as they are leased dedicated parking spaces.

Mr. Fontaine: Is there any room in the back of the old fire station building for additional parking?

Ms. Caron: Parking for employees for management office in old fire station, visitor parking and loading spaces should also be considered. Ms. Caron also suggested looking at space for bicycle storage, trash storage and snow removal/storage.

Mr. Fontaine suggested Applicant consider internal trash chutes, where outside space is already limited. Mr. Van Hazinga assured the Applicant the Board and the City are very excited about the potential project. He asked the Applicant to make every effort to obtain at least one dedicated parking space per unit, on or off site.

Mary Jo Bohart, Economic Development: No concerns at this time. Process still in play. General sentiment, nice to see fire station being preserved. Acknowledged current proposal presents parking concerns.

Mr. Hurley stated he would like Applicant to present a clear proposal when he comes for a formal hearing by providing the actual percentage of affordable units.

Mr. Rudzinski: 60% median income. Mr. Fontaine: We would need to know how many units.

Ms. Caron agreed with Mr. Rudzinski's initial suggestion that a new permit be issued. It would be cleaner to reissue a new permit than to modify the existing permit.

Mr. Rudzinski thanked the Board for their time and comments.

Mr. O'Hara: Do you think you will file an application for next month's meeting?

Mr. Rudzinski: Not sure, would like to have parking in place before we file.

Mr. Kirkorian requested the Board advise how many spaces they would require as he would like to establish the spaces that would need to be obtained. He further stated that he did not believe FATV's parking spaces should be included in the overall number as there would be ample parking during the day when residence were at work.

Mr. Fontaine: FATV is operational during evening hours as well. Nonetheless, the concern is geared towards what happens when FATV leaves? The Board can't permit for the first tenant only, we need to think long term.

Mr. Fontaine and Ms. Caron explained the amount of spaces would be stipulated on the number and size of the units. The new proposal has larger units with less onsite parking. There are solutions, be creative. Contact MART to discuss leasing spaces.

The Board acknowledged they want this project to move forward but things need to be in place, parking being one of them.

### **OTHER BUSINESS**

M.G.L. c. 40A, s. 9 - increase time to begin Special Permit uses from 2 yrs. to 3?

Mr. O'Hara advised the Board the legislature amended M.G.L. c. 40A, s. 9, effective August 2016, by increasing the number of years from 2 to 3 that a special permit will lapse from the grant thereof, if a substantial use has not sooner commenced.

Mr. Fontaine: Do municipalities have the option to have the permit condition be less than 3 years?

Mr. O'Hara: Yes, the amendment states that a special permit granted under this section, shall lapse within a specified period of time, not more than 3 years.

Ms. Caron stated she thought the two year timeline was sufficient. Should an applicant require additional time, they need only request an extension. Board agreed, no further action taken.

### **Solar Projects**

Board discussed amending the existing Ordinance for solar projects. Suggested requiring special permit rather than site plan approval which will allow the Board the opportunity to impose conditional requirements with approval, such as off-site improvements, site appropriateness, screening, buffering, location, size, removal, noise, reclamation bond, etc.

Tom Skwierawski, Director of Community Development, asked the Board to consider density as well.

Mr. Van Hazinga: Could a density restriction be written into the Ordinance?

Atty. Christine Tree, Asst. City Solicitor: The Law Department will look into it.

Mr. Fontaine: Areas where there is a low land use, such as abandoned apple orchards where it would be costly to develop due to soil contamination are ideal locations. I'm sure abutters would prefer a solar array in comparison to a subdivision.

Mr. Capodagli: Can the percentage of metering credits be increased?

Atty. Christine Tree, Asst. City Solicitor: Until or rate commission sets percentage.

Ms. Caron: Are there excavating limits, restrictions or oversights in place?

Atty. Christine Tree, Asst. City Solicitor: The Zoning Ordinance defines earth removal as removal not exceed one hundred fifty percent of the volume of the first floor of the building or structure.

Board discussed specific districts, such as Rural Residential, Industrial, RA1 and RA2 (large rural areas) where solar projects should be as of right.

Mr. Fontaine: The Board typically imposes off-site improvements as one of the conditional requirements in approvals for residential components. How would we measure what types of off-site improvements could be implemented as a special permit condition that wouldn't cripple the solar project? Research would have to be done to see what types of off-site improvements would be appropriate.

Atty. Christine Tree, Asst. City Solicitor, asked the Board and Planning Department to provide the Law Department with a list of goals and the Law Department will draft a proposal to amend the existing ordinance.

Misc. subjects:

Tax Exemption Question - Mr. Fontaine: Will having FATV rent commercial space in proposed Harper Furniture project effect taxable income from the City? Mr. O'Hara: The R.E. will still be taxable property. Mr. Fontaine asked Mr. O'Hara to confirm with Ken Wilson, City Assessor to confirm government agencies are still responsible for paying regular taxes regardless of being classified as a government agency.

Moran Square on-street parking petition - Ms. Caron noted a petition was filed with the City Council for on-street parking on Lunenburg St. in the Moran Sq. area.

Mary Jo Bohart, Economic Development: Councilor Tran and Sam Squailia filed a petition to designate a no parking loading zone space between 23 & 27 Lunenburg St. and in the area between Moran Apts. to 23 Lunenburg St. to designate 2-hour parking from 8 a.m. to 8 p.m. Matter will be on the 9/19/17 Public Safety Committee agenda. Business owners in the area are in favor of the petition.

Water Street Bridge repair - Mr. Hurley: Is there a timeline for the repairs to the Water Street Bridge?

Tom Skwierawski: DPW Commissioner informed him the City should be receiving a letter in the near future from Mass DOT stating the Water St., and Putnam St., bridges will need to be one-lane / one-way due to emergency load bearing concerns.

Mr. Hurley: Perhaps a pedestrian bridge from Main St., to Water St., should be discussed? Many residents walk to and from the Water St., Market Basket. Mr. O'Hara: The sidewalks on both bridges will still be accessible.

Mr. Van Hazinga: Is there potential to move up construction?

Mr. O'Hara: Both bridges are on Mass DOT's project list for bridge replacement. Funding will not be in place until 2020.

Dufour's Truck & Equipment, 24 Baker St. -

Board briefly discussed matter of business operations at Dufour's Truck & Equipment encroaching onto 0 Rollstone St., (abutting parcel) and potential trigger for another Site Plan Review. Planning Department to look into status of current Site Plan.

1298 Water St. - Follow up on conditions for Site Plan Approval - landscaping & fencing.

Special Permit #2005-19, 301 South St. condos - Board requested a status update on conditions set forth in Special Permit Approval.

579 South Street, Mark Gionet (PUD) - Board discussed overgrown vegetation. Landscape has not been maintained. Board requested a letter be sent to property owner requesting he clear the overgrown vegetation and maintain the lawn.

Meeting Minutes

Board reviewed Minutes of the June 2017 meeting and approved with corrections/revisions.

Board reviewed Minutes of the July 2017 meeting and approved as is.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 9:40 p.m.

Next meeting: September 12, 2017

Minutes approved: September 12, 2017