

Existing light pole - does it provide adequate site lighting?
Mr. Fontaine: Has security plan been prepared? Sean: Not yet.

Discussion on possible improvements to Lunenburg St. Sean is willing to contribute \$20,000 toward improvement of sidewalks.
Nick Bosonetto, DPW Commissioner: This portion of Lunenburg St. is under MDOT's jurisdiction, but DPW is currently in discussion w/ MDOT about turning that section over to the city. MDOT may be OK w/ applicant making improvements to the road.

Public Comment:

Andy Van Hazinga, Ward 4 Councilor thinks the anticipated demand for parking is understated. He's concerned about the effects on site circulation when the retail facility is open.

Capt. Lemay, Fitchburg PD. - Agrees with previous comments and parking and traffic. FPD reserves additional comments until they've had a chance to do a walk-thru of the security system as installed.

Harold Mateo: How will prevent diversion of cannabis products to minors?

Sean: Must be 21 to enter facility. They can monitor their parking lot, but can't police it once customers have left their site.

Motion made & seconded to continue hearing to March 10th meeting. Vote in favor.

Modification of Definitive Subdivision Approval, "Candlewood Park" subdivision, 0 Richardson Rd., Belliveau

Hearing opened. Judy & Jim Belliveau & Atty. Myers present. Applicants were advised that one Board member was absent.

Parcel B in the Candlewood Park Definitive Subdivision plan was designated as open space "Playground parcel". The subdivision covenant also stated this. The Belliveaus would like to purchase the lot and build a single-family dwelling there as a retirement home.

Ms. Caron raised issue of back taxes owed on Parcel B (open space lot) & Parcel C (stormwater basin). Board should have Tax Compliance Certificates prior to the opening of the hearing.

Atty. Myers: The current owner (Richardson Trust) doesn't have the \$ to pay the back taxes. They will be paid prior to the closing. Agreed: Proceed with hearing and submit Tax Compliance Certs. prior to next month's hearing.

Mr. Fontaine: The open space in this subdivision had been used as a bargaining chip, an incentive for having smaller lot sizes than was usually required. If the open space parcels had not been offered by the developer, the plan would have been different, perhaps fewer lots. But we can't go back in time now. It would be a bad precedent for the Board to set. Many other cluster-type development (Stoneybrook, etc.) have open spaces parcels designated. It would open the gates for other open space parcels to be proposed for development.

Atty. Myers: The restriction was never followed thru; there was no conveyance of Parcel B to a Homeowners Association, as required by the SD condition.

Nick Bosonetto, DPW Commissioner agreed. Allowing the open space parcel to be developed would set a bad example.

Public Comment:

Brian Smith, 456 Richardson Rd. (abutting parcel): Parcel is a large eyesore, he doesn't mind a house built next door.

Tom Donnelly, 149 Prospect St. - The City can't maintain the parks it has now. We should be encouraging quality development like this new dwelling, the city needs quality development.

Mike Montouri, 2 Boulder Dr. - Supports proposal for long-time Fitchburg residents to build their retirement home.

Bill Gates, 46 Kyle Rd. (abutting lot): After original developer (Brian Carlson) went bankrupt, the bonding company finished off the roads. Remaining parcels were acquired by Edgewater Development who sold the open space parcels to the Richardson Trust. A third parcel was conveyed to Saima Park. The "open space" requirement runs with the land. Parcel "B" is shown on the state's Priority Habitat Map for rare & endangered species. Also, legal questions are raised by the proposal, which should be explored. He also pointed out that there was a later modification of the subdivision after the original approval, but that there was no change in the amount of the open space.

Mary Lavelle, 499 Richardson Rd. Has lived across the street from parcel B for 14 years. It's nice to have that open space in the neighborhood. It should be left as open space.

Ms. Caron read an email from Councillor Walsh in support of the proposal.

Any Van Hazinga, Ward 4 Councilor: Is sympathetic to the applicants' request, but cautions the Board about the long term effect. If this restriction is undone, what does this mean for the open space in other cluster developments?

Atty. Myers: If a similar request is made in the future, the Board could handle on a case-by case basis.

Mr. Makela, Richardson Trust: He'd be willing to trade Parcel C to the City in exchange for removing the restriction on Parcel B.

Ms. Koeck: This may be the only time that the Board will need to consider removing a conservation restriction, but the Board still needs to consider the long term impacts.

Ms. Butland: There are several legal issues raised tonight, she'd prefer to continue the hearing. Board members had consensus for a continuance.

Motion made (Mr. Fontaine) and seconded (Ms. Koeck) to continue the hearing.

Atty. Myers requested that this be continued to the April 14 meeting. Vote in favor.

OTHER BUSINESS

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

2020-21 Planning Board CDBG recommendations

Tom, Liz, & Cindy present. Board reviewed recommendations of the Community Development Dept.

Mr. Fontaine suggested reducing the \$250K in Streetscapes to \$237K & put the extra \$13,000 to Crocker Field grandstand. He cautioned that we're overloading DPW's workload. There is already a backlog of projects already funded by CDBG in previous years.

Q: Can the CDBG award be greater than that requested in an applicant's application? Yes.

Public comment:

David Thibault-Munoz, Friends of Fitchburg Abolitionist Park clarified that maintenance of the proposed park at 42-50 Snow St. would be done by Fitchburg State, not by Fitchburg DPW or Parks Dept.

Tom: The C.D. Dept. supports the concept presented by the Fitchburg Arts Community, but there's a question whether it's an eligible activity. They will help them with funding from CDBG's Microenterprise category or another grant program.

Economic Development category – Microenterprise Program is expected to supplement the TDI funds available. Dept. is recommending getting closer to funding 50% of cost of the Downtown Coordinator position.

Motion made (Mr. Fontaine) & seconded (Mr. Capodagli) to adopt the recommendations of the Community Development Dept. as presented tonight. Vote in favor.

Ms. O'Kane returned to the meeting.

City Council petitions

-To accept Ether St. extension

This subdivision street has been complete for several years. As-built & Layout plans have been submitted, but we need the developer (Brian Carlson) to deed the fee in the street over to the City. Motion made & seconded to recommend in favor of the petition provided all the required paperwork has been submitted. Vote 6-0 in favor.

-To name North & Main Streets intersection in honor of Gerry Martel

Motion made & seconded to recommend in favor of the petition, although the Board noted that *technically*, the intersection wasn't a "square". Vote 6-0 in favor.

Minor Modification - 600 Pearl Hill Rd., - sprinkler requirement

Applicant has requested to have condition requiring residential sprinklers removed since Fitchburg Fire Prevention is not requiring them

Motion made & seconded to remove that condition. Vote 6-0 in favor.

Past Decisions

Mr. Fontaine showed examples of several other approved cluster type developments with open space parcel that were part of the approval.

Proposed Zoning Ordinance Amendments - Phase I of Ordinance update

Hearing opened. Tom & Russ Burke, BSC Group Present.

BSC is the consultant the Dept. is working with on the Ordinance update.

Tom reviewed the changes in brief (2 pp.) & then through the proposed changes page by page.

Among the proposed changes: Clarify "abandonment" of non-conforming uses/structures.

Amend parking design standards.

Amend sign section to conform Reed v. Gilbert "content-neutral" requirement.

Medical and non-medical cannabis sections have been merged.

Definitions scattered throughout the Ordinance have been consolidated into one section

Q: Merge RB & RC districts and the RA-1 & RA-2 districts? Agreed: Defer to Phase II of update.

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

Motion made & seconded to recommend in favor of the proposed changes as discussed.

Vote 6-0 in favor.

Meeting Minutes

Minutes of the January 14th meeting were approved w/ some corrections.

Motion made & seconded to adjourn. Vote in favor.

Meeting adjourned: 10:20 p.m.

Next meeting: March 10, 2020