The regular meeting of the City Council of the City of Fitchburg was held over the Zoom meeting platform and live streamed at FATV Studios, Fitchburg, on January 19, 2021. The meeting was called to order by President Anthony Zarrella at 7:04 P.M. The Clerk stated the names of the Councillors who have logged in and eleven Councillors were present. The meeting opened with a salute to the Flag led by Councillor Beauchemin.

I. PUBLIC FORUM

The following statement was issued for anyone wishing to participate the Public Forum:

The public is invited to participate in the Zoom webinar of Jan 19, 2021 07:00 PM Eastern Time
Topic: Fitchburg City Council Meeting
Register in advance for the Public Comment/Hearing portion of the Agenda by going to: https://us02web.zoom.us/webinar/register/WN_9RKkV6tHRk2oX54GTj_Rug
After registering, you will receive a confirmation email containing information about logging in to join the webinar.

Alternatively, comments of not more than two (2) minutes may be sent to the City Clerk’s Office by NOON on January 19, 2021 by calling 978-829-1820 or via email at: cityclerk@fitchburgma.gov.
II. REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of January 7, 2021 was correctly recorded. Report accepted and minutes adopted.

III. REPORT OF THE APPOINTMENTS COMMITTEE

Appointments Committee Oral Report
Meeting of January 19, 2020

The Appointments Committee recommended the following Appointment be confirmed:

New Appointment:
Conservation Commission
(Term to expire January 1, 2024)
Mr. Mark F. Christian

Report accepted. Appointment confirmed by unanimous consent 11/0. 11 members present. Board consists of 11 members.

Councillor Zarrella made a note that he should have recused himself from the vote at the Appointments Committee meeting of January 7, 2021, and asked if there were any objections to the confirmation of the appointees. No objections were noted.

IV. COMMUNICATION

His Honor the Mayor
Appointment Letter

1. Mr. James McGrath, to be re-appointed as a member of the Board of Park Commissioners, term to expire on April 1, 2025.
2. Full-Time Student Police Officers for the Fitchburg Police Department:
   Zareus Z. Ramos
   Cedric A. Robinson
   Angelo J. Ramos, Jr.
3. Promotion: to the position of Permanent Police Sergeant for the Fitchburg Police Department:
   Officer Stephan D. Bastien
   Officer Michael E. Lopez

Appointments read and referred to the Appointments Committee.

Council President Zarrella made a motion to move the Public Hearing after the other matters before the Council. Motion passed by unanimous consent 11/0.
CITY OF FITCHBURG
NOTICE OF PUBLIC MEETING

The Appointments Committee recommended the following appointments.

APPOINTMENTS COMMITTEE

MEETING DATE: Tuesday, January 19, 2021
MEETING TIME: 6:45 AM □ PM
MEETING PLACE:
Name of building (if applicable)
Room number (if applicable)
Address
City

AGENDA ITEMS:

The public is invited to participate in the Zoom webinar of
Jan 19, 2021 06:45 PM Eastern Time
Topic: Fitchburg Appointments Committee - 6:45pm
Register in advance for the Public Comment/Hearing portion of the Agenda by going to:
https://us02web.zoom.us/webinar/register/AVN_tRgJuwowSp2_DSKaVTZKlg
After registering, you will receive a confirmation email containing information about logging in to join the webinar.

New Appointment
Conservation Commission
(Term to expire January 1, 2024)
Mr. Mark Christian

Andrew Van Hazinga, Chairman
Committee on Appointments

By: Mary de Alderete, Clerk

*Please note: Massachusetts Open Meeting Law requires that all topics that the Chair reasonably anticipates must be listed and that the list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting.
January 5, 2021

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby reappoint and ask for your confirmation of Mr. James McGrath of 83 Charles St., Fitchburg, MA as a member of the Board of Park Commissioners for a term to expire on April 1, 2025.

Thank you for your attention to this important matter.

Sincerely,

[Signature]

Stephen L. DiNatale
Mayor

City of Fitchburg, City Hall, 718 Main Street, Fitchburg, MA 01420
Office: 978-829-1801 Fax: 978-829-1968
December 30, 2020

The Honorable City Council
Fitchburg Municipal Offices
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of Mr. Mark F. Christian of 71 Bennett Road, Fitchburg, MA as a member of the Conservation Commission for a term scheduled to expire on January 1, 2024.

Thank you for your attention to this important matter.

Sincerely,

Stephen L. DiNatale
Mayor
January 14, 2021

The Honorable City Council
Fitchburg City Hall
718 Main St.
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and ask for your confirmation of the following individuals as Full-Time Student Police Officers for the City of Fitchburg:

Zareus Z. Ramos

Cedric A. Robinson

Angelo J. Ramos, Jr.

Thank you for your attention to this appointment matter.

Sincerely,

Stephen L. DiNatale
Mayor
Honorable Stephen L. DiNatale
Mayor - City of Fitchburg
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

RE: Appointment of Full-Time Student Police Officers

Dear Mayor DiNatale:

I respectfully request that you appoint two (2) of the following individuals as Full-Time Student Police Officers for the City of Fitchburg:

Zareus Z. Ramos

Cedric A. Robinson

Angelo J. Ramos Jr.

Each of these candidates have successfully completed all of the required pre-employment steps that were provided for in their Conditional Offers of Employment, except for the successful completion of the pre-entry physical fitness assessment that is required for attendance at the basic recruit course scheduled to begin on February 8, 2021 in Randolph, MA. Cedric Robinson and Angelo Ramos will not be taking part in this assessment until January 23, 2021. The results of that assessment will determine which of those candidates will be attending the listed recruit course along with Zareus Ramos.

Therefore, it is my request and recommendation that these candidates be presented to the Appointments Committee of the City Council for consideration at the next regularly scheduled meeting of that committee. But, with the understanding that only two (2) of the three (3) listed candidates will actually be appointed as Full-Time Student Police Officers.
January 14, 2021

The Honorable City Council
Fitchburg City Hall
718 Main St.
Fitchburg, MA 01420

Dear Honorable Councilors,

I hereby appoint and promote Officer Stephen D. Bastien and Officer Michael E. Lopez to the position of Permanent Police Sergeant for the City of Fitchburg.

Thank you for your attention to this matter.

Sincerely,

[Signed]

Stephen L. DiNatale
Mayor
Honorable Stephen L. DiNatale
Mayor - City of Fitchburg
166 Boulder Drive, Suite 108
Fitchburg, MA 01420

RE: Appointment of Permanent Police Sergeants

Dear Mayor DiNatale:

I respectfully request that you appoint and promote the following individual to the position of
Permanent Police Sergeant for the City of Fitchburg:

Stephen D. Bastien
Michael E. Lopez

As you may be aware, this past year Officer Bastien was promoted as a Provisional Police
Sergeant in order to fill a vacancy due to retirement. While awaiting the certification to the
most recent Civil Service exam another vacancy became open. For this reason I respectfully
submit Stephen D. Bastien, and Michael E. Lopez as Permanent Police Sergeants.

Please contact me at your earliest convenience with any questions regarding this matter.

Respectfully,

Chief Ernest Martineau

Cc: Captain Steven Giannini
Captain Matthew LeMay
Mary De Alderete – City Clerk
Calvin Brooks – City Auditor
Susan Davis – HR Director
Personnel Files
V. ORDERS-FINANCE

The following Orders were referred to the Finance Committee:

007-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security, FY21 Shannon Community Safety Initiative grant in the approximate amount of $336,400.00 (THREE HUNDRED THIRTY-SIX THOUSAND, FOUR HUNDRED AND 00/100 DOLLARS) for the purpose of said grant, which is to reduce gang and youth related violence.

008-21. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Massachusetts Executive Office of Public Safety and Security VAWA grant in the approximate amount of $59,375.00 (FIFTY-NINE THOUSAND, THREE HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS) for the purpose of said grant, which is to support the Domestic Violence Advocate position within the Police Department.

VI. PETITIONS

The following Petition was referred to a Public Hearing February 16, 2021:

009-21. UNITIL, Fitchburg Gas & Electric Company, for a proposed new pole #8 on McIntire Road, approximately 1470’ west of the intersection of Williams Road, as shown on sketch Plan No.3456-L, dated 1/5/2021.

VII. PUBLIC HEARING

029-20. Fitchburg Planning Board, to amend the Fitchburg Zoning Ordinance as part of Phase II of an Ordinance update to make clarifications in the Table of Principle Uses, remove internal inconsistencies and conflicts with state law, clarity definitions, make procedural changes, and to set the foundation for the more comprehensive changes that will take place in phase II.


The public hearing was declared open by President Zarrella. President Zarrella recognized Mr. Tom Skwierawski, Executive Director of Community Development. Mr. Skwierawski presented a PowerPoint outlining each portion of the proposed Zoning Ordinances in Phase II as had been amended by the Planning Board, Legislative Affairs, and also by Councilor Van Hazing for the Zoning regarding Solar Photovoltaic Facilities.
President Zarrella noted that he was asking for the express approval of the Council to indicate their current acceptance of the amendments, but that the Council still retained the right to give a final approval at a later time.

The Power Point and amendments may be seen in their entirety on the website, at: https://www.fitchburgma.gov/DocumentCenter/View/7525/Zoning-Phase-Two-Overview_011921

A motion to continue the Public Hearing to March 3, 2021 passed by unanimous consent 11/0.

**VIII. ANNOUNCEMENTS**

Councilor Kushmerek addressed the Council by stating that as this was his last meeting as a member of the Fitchburg City Council, and that he wished to take the opportunity to thank the countless residents and constituents throughout Fitchburg for giving him the opportunity to serve the City. He noted that it had been an honor and pleasure to serve the City and its businesses and residents for the past eight years. He said that it had also been a pleasure to work alongside not only this Council, but the Councils that had come before this one. He mentioned working in prior years with Mayor Wong and more recently alongside Mayor DiNatale for the past six years, and that it had been an incredible opportunity to work with him during his administration. He stated that the City was on a clear trajectory forward, and he was excited to continue that work at a different level.

Councilor Kushmerek thanked everyone who had been a part of moving the City forward, and in particular, called attention to the City employees, who each and every day perform so many tasks that help the City thrive and flourish. He said that it was easy to think of City employees as part of a big bureaucratic structure, but at the end of the day, there were several hundred employees that make the City work each and every day and they make it a better place to live, to work, and to invest, and the City doesn’t move forward without them. He remarked that it had been a pleasure getting to know them, to get to know their work, all while helping the City move forward.

Councilor Kushmerek thanked the residents for giving him the opportunity to serve as a City Councilor and said that he was excited to serve the City of Fitchburg in a different capacity, at the State level. He noted that President Zarrella was already working with him on statewide zoning changes and that he was excited to have the opportunity to work with each of the Councilors to accomplish some of those legislative items at the State level.

He wished residents to consider that while it could be easy to focus on government and thinking that the impact of government starts with the President in impacting day to day life, he would argue that it is the exact opposite. He observed that it starts with the local elected officials that are put into office, and that at the end of the day the things that impact their life so much, from the roads, the services they receive, and the neighborhoods that they live in, are impacted by elected officials that are right here in their own backyard, and they love the work that they do and serve you diligently, and it’s been a privilege and an honor to be a part of those legislative bodies that help to make those meaningful improvements to your City.
Councilor Kushmerek concluded by offering a thank you to everyone and saying that he looked forward to working with them and representing them in the years ahead.

President Zarrella thanked Councilor Kushmerek for offering a nice farewell and for his years of service, and noted that he looked forward to working with him in the future.

The meeting adjourned at 8:59 P.M.

Mary de Alderete, City Clerk
Zoning Amendment to Merge RA-1 and RA-2 Districts

Overview

Residential A-1 and A-2  RA-1 and RA-2

- **Same Purpose**: To establish and preserve quiet suburban neighborhoods of one-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.

- **No differences** in the Table of Principal Use Regulations

- Differences in dimensional requirements:

```
<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>MIN. LOT AREA w/o MUNICIPAL SEWER (SQ. FT.)**</th>
<th>MIN. LOT AREA (SQ. FT.)**</th>
<th>MIN. LOT FRONTAGE (FT.)**</th>
<th>MIN. LOT WIDTH (FT.)</th>
<th>MIN. FRONT YARD (FT.)</th>
<th>MIN. SIDE YARD (FT.)</th>
<th>MIN. REAR YARD (FT.)</th>
<th>MAX. HEIGHT (FT.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA-1</td>
<td>65,000</td>
<td>15,000</td>
<td>125</td>
<td>50</td>
<td>40</td>
<td>20</td>
<td>40</td>
<td>36</td>
</tr>
<tr>
<td>RA-2</td>
<td>65,000</td>
<td>12,500</td>
<td>100</td>
<td>50</td>
<td>30</td>
<td>15</td>
<td>35</td>
<td>36</td>
</tr>
</tbody>
</table>
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*Motion to Approve the above amendments passed by unanimous consent.*

Zoning Amendment

1. Amend Section 181.2111. Residential Districts by deleting the words “Residential A-1 and A-2 ………RA1 & RA2” and replacing with the following

   Residential RA

   Purpose. To establish and preserve quiet suburban neighborhoods of one-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.

2. Amend Section 181.313 Table of Principal Use Regulations by deleting the Column titled “RA-2” in its entirety and replacing the column title “RA-1” with a new column titled “RA”.

*Motion to Approve the above amendments passed by unanimous consent.*
3. Amend Section 181.414 Table of Dimensional Requirements by deleting the Rows entitled RA-1 and RA-2 and inserting the following Row

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>MIN. LOT AREA w/o MUNICIPAL SEWER (SQ. FT.)**</th>
<th>MIN. LOT AREA (SQ. FT.)**</th>
<th>MIN. LOT FRONTAGE (FT.)**</th>
<th>MIN. FRONT YARD (FT.)</th>
<th>MIN. SIDE YARD (FT.)</th>
<th>MIN. REAR YARD (FT.)</th>
<th>MAX. HEIGHT (FT.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA</td>
<td>65,000</td>
<td>12,500</td>
<td>100</td>
<td>30</td>
<td>15</td>
<td>35</td>
<td>36</td>
</tr>
</tbody>
</table>

4. Amend Section 181.723 All Districts except RR, by deleting the words “RA-1, RA-2” and inserting in their place “RA”.

5. Amend Section 181.741 General, by deleting the word “RA-1 and RA-2” and inserting in their place “RA”.

Motion to Approve the above amendments passed by unanimous consent.
181.15 AMENDMENTS.

This Ordinance may from time to time be changed by amendment, addition, or repeal by the City Council in the manner provided in G.L. c. 40A, s. 5, and any amendments thereto. The Director of Planning and Community Development may, with the approval of a two-thirds approval of the Planning Board, update figures and photos; correct scriveners errors, table and figure numbers, capitalization of defined words, correct cross references; and add or correct street names or districts labels for subject to the following expedited procedure for City Council approval:

The Planning Board shall transmit to the Council a report of any such clerical changes made. Such report shall be accepted without debate at the following Council meeting, unless any Councilor shall make a motion to contest the changes. If such motion is made and seconded, it shall be voted without debate, and if it passes, the matter shall be placed on the agenda for the next following meeting, when it shall be considered without the need for referral to any committee, though such referral may be made by motion or by unanimous consent. maps without City Council approval.COUN

Motion to Approve the above amendments passed by unanimous consent.
Artisan Food and Beverage and Artisan Manufacturing Zoning Amendment

1. Amend Section 181.10 Definitions by inserting the following in Alphabetical Order

ARTISAN FOOD AND BEVERAGE: Small-scale production or preparation of food made on site with limited to no automated processes involved and may include direct sales to or consumption by consumers. This definition includes uses such as small-batch bakeries, micro-breweries (manufacturing 15,000 barrels per year or less) artisan distilleries (manufacturing 10,000 barrels per year or less) as regulated by the Commonwealth of Massachusetts, small-batch candy shops, and local cheese makers. This use may or may not have outdoor seating or patio as an accessory use depending on the zoning district in which it is located.

ARTISAN MANUFACTURING: Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses that employ activities and processes such as small-scale fabrication, welding, and coating, that are typically not permitted in non-industrial zoning districts. This definition shall not include Artisan Food and Beverage preparation or sales.

2. Amend the Schedule of Use Regulations Section E. INDUSTRIAL USES by inserting the following rows.

<table>
<thead>
<tr>
<th>PRINCIPLE USE</th>
<th>RR</th>
<th>RA1</th>
<th>RA2</th>
<th>RB</th>
<th>RC</th>
<th>RC-BD</th>
<th>NBD</th>
<th>C</th>
<th>ARD</th>
<th>LI</th>
<th>I</th>
<th>MS</th>
<th>FSU</th>
</tr>
</thead>
<tbody>
<tr>
<td>15a. Artisan Food and Beverage up to 7,500 square feet gross floor area</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>PB</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>PB</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>PB</td>
</tr>
<tr>
<td>15b. Artisan Food and Beverage over 7,500 square feet gross floor area</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>PB</td>
</tr>
<tr>
<td>16a. Artisan Manufacturing up to 7,500 square feet gross floor area</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>PB</td>
<td>Y</td>
<td>PB</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>16b. Artisan Manufacturing over 7,500 square feet gross floor area</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>PB</td>
<td>PB</td>
<td>Y</td>
<td>PB</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>PB</td>
</tr>
</tbody>
</table>

Motion to Approve the above amendments passed by unanimous consent.
3. Amend Section 181.512 Table of Off-Street Parking Requirements by inserting the following rows

D. INDUSTRIAL USES

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Artisan Food and Beverage</td>
<td>Adequate parking spaces to accommodate under normal conditions, the cars of occupants, employees, clients, and visitors to the premises as may be determined by the Planning Board.</td>
</tr>
<tr>
<td>15. Artisan Manufacturing</td>
<td>Adequate parking spaces to accommodate under normal conditions, the cars of occupants, employees, clients, and visitors to the premises as may be determined by the Planning Board.</td>
</tr>
</tbody>
</table>

4. Add new Section 181.65 Artisan Manufacturing and Food and Beverage to read as follows:

181.65 - ARTISAN MANUFACTURING AND FOOD AND BEVERAGE

181.651 Purpose

To promote the creation and operation of small-scale manufacturing and food and beverage production operations that can operate in a synergistic or otherwise non-disruptive fashion in non-industrial areas, enabling increased economic versatility and productive use of otherwise underutilized spaces. Such operations may include, but are not limited to, textiles, hardware, woodworking, metalworking, 3D printing, or craft brewing and baking.

Artisan production, also known as small-scale manufacturing, has benefitted from innovations in industrial technology to become an emerging alternative use in mixed-use corridors and centers. Artisan manufacturers and artisan food and beverages is an umbrella term that refers to all types of small businesses that produce tangible goods. This includes, but is not limited to, textiles, hardware, woodworking, metalworking, 3D printing. It also includes hardware prototyping, consumer product design and prototyping, breweries and distilleries, local food production bakeries, and packaging. The businesses may be consumer-facing or provide products to other businesses and often have 1-30 employees. These businesses can draw foot traffic and help to fill retail spaces that are difficult to lease or are vacant. The entrepreneurs that start these businesses quite often become powerful brand ambassadors for their cities and towns, highlighting the innovation and benefit of local production. The small-scale manufacturing sector is integral in building the small business community. Furthermore, the sector provides an inclusive pathway and an opportunity for jobs for individuals that may have difficulty finding them.

This Section seeks to promote businesses that:

- Create a foundation for future growth
- Provide another attractive option to fill retail space
- Create a resilient small business environment
- Build a more inclusive business community

Motion to Approve the above amendments passed by unanimous consent.
Create employment accessibility

181.652 Standards

181.6521. Artisan and Food and Beverage Manufacturing means a building used for the manufacturing of finished products or parts including processing, fabrication, assembly, treatment, and packaging of such products and parts, and incidental storage, sales, and distribution, where all manufacturing processes and noise, smoke, heat, glare, vibration, and odor resulting from the manufacturing processes are contained entirely within a building or not detectable beyond the property boundary. Brewing, and baking, and other cooking processes are exempt from the odor provision but subject to all other standards in this section.

181.6522 Activity shall conform with Section 181.55 of this Chapter, Environmental Performance Standards.

181.6523. There shall be no outside storage or unenclosed disposal of materials.

181.6524. Outdoor consumption of products shall be subject to Section 181.95 Site Plan Review.

Motion to Approve the above amendments passed by unanimous consent.
Delete Section 181.81 in its entirety and replace it with the following:

181.81 FLOODPLAIN PROTECTION OVERLAY DISTRICT

181.811 Purpose.
The purposes of the Floodplain Protection Overlay District are to ensure public safety through reducing the threats to life and personal injury; eliminate new hazards to emergency response officials; prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding; avoid the loss of utility services; eliminate costs associated with the response and cleanup of flooding conditions; reduce damage to public and private property resulting from flooding waters.

181.812 General.
The Floodplain Protection Overlay District (FPOD) shall be in all portions of the city as indicated on the Flood Insurance Rate Maps as the Floodplain District. The City of Fitchburg requires a permit for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The City of Fitchburg’s permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired. The Building Commissioner shall maintain the maps and records and administer, interpret and enforce the provisions of this Section. Where there is a conflict between a mapped boundary and actual field conditions, the Building Commissioner shall determine the boundaries of the Floodplain District.

181.813 Overlay District.
The FPOD is herein established as an overlay district. The underlying permitted uses are allowed, provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

181.814 Definitions
DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving.

Motion to Approve the above amendments passed by unanimous consent.
excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
(1) By an approved state program as determined by the Secretary of the Interior or
(2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

Motion to Approve the above amendments passed by unanimous consent.
NEW CONSTRUCTION. Structures for which the start of construction commenced on or after
the effective date of the first floodplain management code, regulation, ordinance, or standard
adopted by the authority having jurisdiction, including any subsequent improvements to such
structures. New construction includes work determined to be substantial improvement.
[Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:
(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck; and
(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for
recreational, camping, travel, or seasonal use.
[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood
Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE
or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial
improvements to existing structures, provided the actual start of construction, repair,
reconstruction, rehabilitation, addition, placement or other improvement is within 180 days
after the date of issuance. The actual start of construction means the first placement of
permanent construction of a building (including a manufactured home) on a site, such as the
pouring of a slab or footings, installation of pilings or construction of columns.
Permanent construction does not include land preparation (such as clearing, excavation,
grading or filling), the installation of streets or walkways, excavation for a basement, footings,
piers or foundations, the erection of temporary forms or the installation of accessory buildings
such as garages or sheds not occupied as dwelling units or not part of the main building. For a
substantial improvement, the actual “start of construction” means the first alteration of any
wall, ceiling, floor or other structural part of a building, whether or not that alteration affects
the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building,
including a gas or liquid storage tank, that is principally above ground, as well as a
manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results
in the repair or replacement of a portion of the foundation with a perimeter along the base of
the foundation that equals or exceeds 50% of the perimeter of the base of the foundation
measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile,
column or pier supported foundation, the building official shall determine it to be substantial
repair of a foundation. Applications determined by the building official to constitute substantial

Motion to Approve the above amendments passed by unanimous consent.
repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Motion to Approve the above amendments passed by unanimous consent.

181.8154 Location.

The FPOD includes all special flood hazard areas designated as Zone A, A1-A30 on the Fitchburg Flood Insurance Rate Maps (FIRMs), and the Flood Boundary and Floodway Maps, dated September 18, 1991 on file with the City Clerk, Department of Community Development and Building Commissioner. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report. These maps, as well as the accompanying Fitchburg Flood Insurance Study, are incorporated herein by reference. If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

181.8165 Development Regulations.

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection. The following requirements apply in the FPOD:

181.81651. Within Zone A where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation of flood-proofing requirements, as appropriate, of the Massachusetts State Building Code.

Motion to Approve the above amendments passed by unanimous consent.
181.81652. Within Zone A1-A30, all residential and nonresidential construction and substantial improvements shall comply with the following:

- Provisions of the Massachusetts State Building Code which address floodplain areas (currently 780 CMR 3107.0, “Flood Resistant Construction”),
- Wetlands Protection Regulations (currently 310 CMR 10.00),
- Minimum Requirement for the Subsurface Disposal of Sanitary Sewage (currently 310 CMR 15, Title V).

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

181.81653. In the floodway designated on the Flood Boundary and Floodway Map the following provisions shall apply:

a. All encroachment, including fill, new construction, substantial improvements to existing structures and other development, is prohibited unless certification by a registered professional engineer or architect is provided by the applicant, demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood. No new construction, substantial improvements or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Fitchburg.

b. Any encroachment meeting the above standard shall comply with the floodplain requirements of the Massachusetts State Building Code.

c. The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, is prohibited in the floodway.

181.81654. Within Zone A1-A30, all mobile homes shall comply with the provisions of the Massachusetts State Building Code in addition to providing that:

a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

b. Adequate surface drainage and access for a hauler are provided; and

c. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for piers more than six (6) feet above ground level.

*Motion to Approve the above amendments passed by unanimous consent.*
181.8165. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

181.8166. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

181.8167. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone’s regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

181.8176 Floodplain District Special Permit Variance.
The Board of Appeals may vary the requirements of this section (other than the provisions of the state regulations referenced above) upon the issuance of a special permit variance. Special permits Variances may be issued for new construction and substantial improvements on lots one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. Special permits Variances for larger lots shall require increased technical justification.
The Board of Appeals may grant such special permit variance after considering the following:

181.81761. A showing of good and sufficient cause;

181.81762. A determination that failure to grant the special permit variance would result in hardship to the applicant;

181.81763. A determination that the granting of a special permit variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances; and

181.81764. A determination that the special permit variance is the minimum necessary, considering the flood hazards, to afford relief.

Motion to Approve the above amendments passed by unanimous consent.
181.8187 Special Permit Variance Conditions.

181.81871. A special permit variance shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

181.81872. If a special permit variance is granted, the Board of Appeals shall notify the applicant, in writing over its signature, that:

a. The issuance of such special permit variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage; and

b. Such construction below the base flood level increases risks to life and property.

c. The Board of Appeals will maintain a record of all special permit variance actions, including justification for their issuance and report such special permit variances issued in the annual report submitted to the Federal Insurance Administration.

Special permits variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or on the State Inventory of Historic Places, without regard to the procedures set forth above.

Motion to Approve the above amendments passed by unanimous consent.
Marijuana Transporter Definition

1. Amend Section 181.10 Definitions by inserting the following definition in alphabetical order

“Marijuana Transporter means an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third-Party Transporter."

Motion to Approve the above amendments passed by unanimous consent.
Merging of Non-Conforming Lots Amendment

Amend Section 181.53 Merging of Non-Conforming Lots by deleting it in its entirety and inserting the following new Section 181.429

181.429 Merging of Non-Conforming Lots

Contiguous non-conforming lots held in common ownership with contiguous lots shall be considered merged for zoning purposes.

Motion to Approve the above amendments passed by unanimous consent.
Large-scale Solar Facilities

Amend Section 181.313 (Principal Uses) of the Zoning Ordinance by inserting the following row in Section E. Industrial Uses as follows:

181.313 TABLE OF PRINCIPAL USES

<table>
<thead>
<tr>
<th>PRINCIPAL USE</th>
<th>RR</th>
<th>RA1</th>
<th>RA2</th>
<th>RB</th>
<th>RC</th>
<th>CBD</th>
<th>NBD</th>
<th>C</th>
<th>LI</th>
<th>I</th>
<th>MS</th>
<th>FSU</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Large Scale Ground-Mounted Solar Photovoltaic Facilities</td>
<td>PB</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>N</td>
<td>PB</td>
<td></td>
</tr>
</tbody>
</table>

2. Amend Section 181.3211 by deleting the following and re lettering the subsequent entry appropriately:

b. Solar Photovoltaic System

3. Amend Section 181.326 Miscellaneous Accessory Uses by inserting the following Sections

181.3266 Roof Mounted and Small Scale Solar Energy Systems accessory to a principal use are allowed in all zoning districts subject to all local and other government requirements.

4. Amend Section 181.35 Nonconforming Uses and Structures by inserting after the first sentence of Section 181.351 Applicability the following:

The installation or replacement of accessory solar energy systems that do not increase existing non-conformity or have satisfied Section 181.353 Nonconforming Structures are allowed. Improvements that do not change the use, attributes, or the basic characteristics or appearance of the building or structure are allowed. Such improvements include but are not limited to the installation or replacement of solar energy systems.

Motion to Approve the above amendments passed by unanimous consent.

5. In Section 181.421 Yard Exceptions in Residential Districts amend Section 181.4211 to read as follows:

181.4211. Tool sheds, patios, small scale ground mounted solar energy systems and similar facilities and structures not exceeding one hundred twenty (120) square feet may be located in any portion of a rear yard, provided that they are set back three (3) feet from the side or rear lot line and, further, provided that not more than twenty five percent (25%) of the total side or rear area is covered by buildings. Vegetation or other visual screening shall be provided to screen solar energy systems. Tool sheds, patios, gardens, small scale ground mounted solar energy systems, and similar facilities and structures greater than 120 square feet must comply with Section 181.414 Table of Dimensional Requirements.

Motion to Approve the above amendments passed by unanimous consent.
6. Add a new Section 181.66 Large Scale Ground-Mounted Solar Voltiac Facilities to read as follows:

181.66 LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITIES

181.661 Purpose.
The purpose of this section is to promote the creation of new large scale ground-mounted solar

181.662 Applicability.
This section applies to large scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

Motion to Approve the above amendments passed by unanimous consent.

181.663 General Requirements
Large Scale Ground-Mounted Solar Photovoltaic Facilities may be constructed as set forth in Section 181.313, Table of Principal Uses, subject to the requirements set forth herein, upon the issuance of a special permit and site plan approval by the Planning Board, pursuant to Sections 181.94 and 181.95. The following requirements shall apply:

a. Compliance with laws, ordinances and regulations. The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

b. Building permit and building inspection. No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining appropriate permits.

c. Fees. The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

d. General. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts. 181.664 Application Requirements

Pursuant to the special permit and site plan review process, the project proponent shall include the following information and plans, unless otherwise waived by the Planning Board after consideration and approval of a written request of the applicant:

a. A site plan conforming to the requirements of 181.955 and showing:

i. Property lines and physical features, including roads for the project site; and location of structures and residences within 300 feet of the property lines.

ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, security fencing, screening vegetation or structures;

iii. Blueprints or drawings of the solar photovoltaic installation signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures

Motion to Approve the above amendments passed by unanimous consent.
iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

v. Documentation of the major system components to be used, including the PV panels, mounting system, battery storage, and inverter;

vi. Name, address, and contact information for proposed system installer, if not available at the time of application prior to issuance of building permit;

vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

viii. The name, contact information and signature of any agents representing the project proponent; and

b. Documentation of actual or prospective access and control of the project site (see also Subsection 181.664(g));

c. An operation and maintenance plan;

d. Zoning district designation for the parcel(s) of land comprising the project site [submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose];

e. Proof of liability insurance; and

f. Description of financial surety that satisfies Subsection 181.66738(g).

g. Site control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation. Fencing along the site's perimeter shall be provided to control access to a large scale ground-mounted solar photovoltaic facility in order to prevent access to the facility. The fencing shall be compatible with the character of the City and shall not consist of barbed wire or razor wire.

h. The project proponent shall submit a plan for the operation and maintenance of the large scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

i. Utility notification. No large scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the local electric utility has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems less than 250 kW shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large scale ground-mounted solar photovoltaic device complies with this section.

j. Execution of a P.I.L.O.T. Agreement with the City of Fitchburg prior to operation of the facility.

181.665 Waivers.
The Planning Board may waive the requirements of Section 181.664 as it deems appropriate.

Motion to Approve the above amendments passed by unanimous consent.
181.666 Dimension and Density Requirements.
181.6661 Setbacks. For large scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

a. Front yard: The front yard depth shall be at least 50 feet.
b. Side yard: Each side yard shall have a depth at least 100 feet.
c. Rear yard: The rear yard depth shall be at least 100 feet.
d. Appurtenant structures. All appurtenant structures shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual or noise impacts.

181.667 Design standards, Project Requirements
181.6671. Design Standards

a. Lighting. Lighting of solar photovoltaic installations shall be consistent with dark sky requirements and local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety, security, and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
b. Signage. Signs on large scale ground-mounted solar photovoltaic installations shall comply with Section 181.53 of this Zoning Ordinance. A sign consistent with Section 181.53 of this Zoning Ordinance shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
c. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the electric utility. If an existing aboveground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility.
d. Stormwater management. Calculations of storm drainage to demonstrate and assure compliance with the requirements of all applicable federal, state and local regulations and guidelines including, but not limited to, the Department of Environmental Protection Stormwater Management Policy, as it may be amended, must be provided for any large scale solar photovoltaic installation.
e. Noise. Documentation shall be provided demonstrating the solar photovoltaic installation and appurtenant structures and equipment conform with the provisions of the Massachusetts Department of Environmental Protection (DEP) Division of Air Quality Noise Regulations (310 CMR 7.10) as most recently amended.

Motion to Approve the above amendments passed by unanimous consent.
f. Visual Impact. Reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures as determined by the Planning Board. Landscaping shall be provided and maintained by the owner. Residential uses shall be screened from the solar photovoltaic system by means of fencing, plantings and/or maintenance of trees of a species hardy to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses.

g. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Unreasonable land clearing, as determined by the Planning Board, is prohibited. Clearing to minimize shading is acceptable.

c. Monitoring and maintenance.

i. Solar photovoltaic installation conditions. The large scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, stormwater management, landscaping and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

ii. Modifications. All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board and the electric utility.

181.6673. Abandonment or Decommissioning.

a. Removal requirements. Any large scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection 181.6673(f) shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a. Physical removal of all large scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

Motion to Approve the above amendments passed by unanimous consent.
c. Stabilization or revegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

d. extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.

d. Financial surety. Proponents of large scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as determined by an independent consultant retained by the City at the expense of the project proponent. Such surety will not be required for municipally or state-owned facilities. The project proponent surety amount shall be based on a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer or such an independent consultant.

Motion to Approve the above amendments passed by unanimous consent.
7. Amend Section 181.10 Definitions by inserting the following in alphabetical order

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITIES: A solar photovoltaic system that occupies more than 1,750 square feet of surface area structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity greater than or equal to 10250 kW DC.

SOLAR ENERGY SYSTEM, LARGE SCALE: An Active Solar Energy System that occupies more than 1,750 square feet of surface area (equivalent to a rated nameplate capacity of greater than 10250 kW DC or greater).

SOLAR ENERGY SYSTEM, ROOF MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure.

SOLAR ENERGY SYSTEM, SMALL SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of 10 kW DC or less).

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

PHOTOVOLTAIC SYSTEM (ALSO REFERRED TO AS PHOTOVOLTAIC INSTALLATION): An Active Solar Energy System that converts solar energy directly into electricity.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Motion to Approve the above amendments passed by unanimous consent.

Motion to Approve the Solar Ordinance as Amended passed by unanimous consent.
Temporary Portable Storage Containers

1. By adding the following in appropriate alphabetical order to Section 181.10 Definitions.

Temporary Portable Storage Container - A container fabricated for the purpose of transporting freight or goods by a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.

2. By adding a new section 181.3266 in Section 181.326 Miscellaneous Accessory Uses to read as follows

181.3266 Temporary Portable Storage Containers

a. Residential Districts.

i. Only one temporary portable storage container shall be permitted per parcel in all residential zoning districts where a residential unit is located, or a building permit has been issued for construction of a residential unit. No portable storage unit will be permitted on a vacant parcel.

ii. Temporary portable storage containers shall be allowed in the required front yard only on an approved driveway or in a side or rear yard for a period not to exceed ninety (90) days in any twelve-month period. No temporary portable storage container shall be placed or located in a circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets and sidewalks and park strips.

iii. If a building permit has been issued for the construction or remodeling of a residence, then the container is allowed during said construction and/or remodeling and must be removed within 30 days of the final inspection or expiration of building permit.

iv. Pre-existing non-conforming business, industrial and institutional uses shall be subject to 181.3266.b and Minor Site Plan Review, Section 181.944.


The use of temporary portable storage containers in Business or Industrial districts is prohibited, except for the following uses:

i. Pre-existing non-conforming residential uses shall be subject to Section 181.3266.a. above;
ii. Shipping and receiving merchandise and goods, provided that the temporary portable storage container does not remain stationary for more than thirty (30) days;

iii. Storing merchandise or goods, including long-term storage, provided that the temporary portable storage container is not kept in the front setback area, designated parking areas, fire access lanes, public rights-of-way, landscaping, in an area visible from the property’s primary street or on parcels that are adjacent to a residential zone;

iv. Storage for construction or remodeling purposes, so long as the period of that use does not exceed one hundred eighty (180) days. The Building Commissioner may extend the 180-day requirement when a project is ongoing and a building permit remains valid.

c. All Districts

i. Vertical stacking of portable storage containers and stacking of any other materials on top of or around any portable storage container shall be prohibited in all zones. An exception may be approved by the Building Inspector for those commercial businesses that have a valid business license to sell portable storage containers.

ii. In all zones, temporary portable storage containers must be kept in good repair, be secured against unauthorized entry, comply with health regulations, and be stored on a hard surface. A temporary portable storage container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust or it has been infested with vermin or other pests.

iii. Temporary portable storage containers may not be used as a dwelling or living quarters, nor for camping, cooking or recreation purposes for any amount of time in any zone.

iv. Temporary portable storage containers shall comply with all applicable setback requirements except as otherwise provided herein.

Amendment approved 10/1 by roll call vote (Squailia)
Zoning Changes Overview

• 20+ Member Advisory Committee + 12-person working group
• Two-Phase Zoning Process
  • Phase One: Administrative
    - Removing inconsistencies and errors
    - Reducing redundancies
    - Condensing and clarifying
  • Phase Two: Transformative
    - Map changes
    - Major use and dimensional changes
    - 3 bundles, 1 continued Public Hearing
Zoning Changes Overview

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Phase Two Overview

• Bundle One: Tonight
  Phase 2 Purpose Statement Revisions, Merging of Non-Conforming Lots, Floodplain Zoning Amendment, Non-Substantive Zoning Changes, Merge RA-1 and RA-2, Artisan Food and Artisan Manufacturing, Temporary Portable Storage, Solar Array, Marijuana Transporter

• Bundle Two: March 2\textsuperscript{nd} (tentative)
  Accessory Dwelling Units, Infill Development, Agricultural and Related Uses, Multifamily Development, Drive Thrus, Off-Street Parking, Signs, RC District

• Bundle Three: March 16\textsuperscript{th} (tentative)
  Industrial Districts, Map Changes, Dimensional Changes, any other unaddressed items (e.g. car sales)
ZONING CHANGES

Phase Two (Bundle 1)
Overview

Phase 2 Purpose Statement Revisions
- Merging of Non-Conforming Lots
- Floodplain Zoning Amendment
- Non-Substantive Zoning Changes
- Merge RA-1 and RA-2
- Artisan Food and Artisan Manufacturing
- Temporary Portable Storage
- Solar Arrays
- Marijuana Transporter

Added purpose description
- Downtown Business District addition
- NBD Change
- Commercial District Change
Overview

Phase 2 Purpose Statement Revisions

Merging of Non-Conforming Lots*

Floodplain Zoning Amendment

Non-Substantive Zoning Changes

Merge RA-1 and RA-2

Artisan Food and Artisan Manufacturing

Temporary Portable Storage

Solar Arrays

Marijuana Transporter

Merging Lots

*Merging of nonconforming lots held in common ownership shall be considered merged for zoning purposes*
Overview

Phase 2 Purpose Statement Revisions
Merging of Non-Conforming Lots
Floodplain Zoning Amendment
Non-Substantive Zoning Changes
Merge RA-1 and RA-2
Artisan Food and Artisan Manufacturing
Temporary Portable Storage
Solar Arrays
Marijuana Transporter

Floodplain Amendment

Conforms with requirements with FEMA, DCR regarding the Flood Plain Insurance Program
Overview

Phase 2 Purpose Statement Revisions
Merging of Non-Conforming Lots
Floodplain Zoning Amendment
Non-Substantive Zoning Changes*
Merge RA-1 and RA-2
Artisan Food and Artisan Manufacturing
Temporary Portable Storage
Solar Arrays
Marijuana Transporter

Non-Substantive

Allows the CDP Director to update figures, photos, scriveners' errors, etc with super-majority approval of the Planning Board, with the submission of a report to City Council
Overview

Phase 2 Purpose Statement Revisions
Merging of Non-Conforming Lots
Floodplain Zoning Amendment
Non-Substantive Zoning Changes
Merge RA-1 and RA-2
Artisan Food and Artisan Manufacturing
Temporary Portable Storage
Solar Arrays
Marijuana Transporter

Merge RA-1 and RA-2

• Same Purpose: To establish and preserve quiet suburban neighborhoods of one-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.

• No differences in the Table of Principal Use Regulations

• Differences in dimensional requirements
Overview

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Merge RA-1 and RA-2

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>MIN. LOT AREA w/o MUNICIPAL SEWER (SQ. FT.)**</th>
<th>MIN. LOT FRONTAGE (FT.)**</th>
<th>MIN. LOT WIDTH (FT.)</th>
<th>MIN. FRONT YARD (FT.)</th>
<th>MIN. SIDE YARD (FT.)</th>
<th>MIN. REAR YARD (FT.)</th>
<th>MAX. HEIGHT (FT.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA-1</td>
<td>65,000</td>
<td>15,000</td>
<td>125</td>
<td>50</td>
<td>40</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>RA-2</td>
<td>65,000</td>
<td>12,500</td>
<td>100</td>
<td>50</td>
<td>30</td>
<td>15</td>
<td>35</td>
</tr>
</tbody>
</table>
Overview

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Artisan Food

- Allows for breweries, distilleries, bakeries (zoning currently silent on these items)
- All By-right: LI, I
- < 7500 sq ft by-right: DBD, NBD, C
- Special Permit: RC, MCOD, FSU, larger developments in CBD, NBD, C
Overview

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Artisan Manufacturing

- Allows for smaller-scale manufacturing that contains minimal negative externalities (e.g. TeacherLock)
- By-right: I, LI, C
- By-right <7500 sq ft: DBD, FSU
- Special Permit: NBD, MCOD
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Temporary Storage

Regulates use of temporary storage containers by time, appearance, use and location
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Solar Arrays*
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Solar Arrays
- Creates Special Permit requirements and criteria for large solar arrays
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Marijuana Transporter

- Defines marijuana transporter as a component of Marijuana Establishments
Next Steps

• Bundle Two: March 2\textsuperscript{nd} (tentative)
  Accessory Dwelling Units, Infill Development, Agricultural and Related Uses, Multifamily Development, Drive Thrus, Off-Street Parking, Signs, RC District

• Bundle Three: March 16\textsuperscript{th} (tentative)
  Industrial Districts, Map Changes, Dimensional Changes, any other unaddressed items (e.g. car sales)