

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008

Hearing opened at 6:30 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present. Councilor Marchand arrived late.

Present at the hearing were Attorney Thomas Bovenzi, Kent Oldfield of Boucher Engineering, Paula LeBlanc and Stephen Boucher.

This hearing is a continuance from July 28, 2008.

The following PETITION was the subject of the hearing:

98-08            Stephen Boucher for Gateway Business Center LLC: Grant a Special Permit for a Mixed Use Development Project at 435 Lancaster Street consisting of 5.95 acres in an Industrial zone and shown on Assessor's Map 443 as Lot 1.

Councillor Rowlands said the conditions on a Special Permit are pretty standard and there are seven which will be suggested by the Legal Affairs Committee as conditions and they are:

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1. Compliance with all federal, state and city regulations, ordinances and codes
2. An approval by the Planning Board of the Site Plan including any conditions that the Planning Board deems necessary to be added to the Site Plan
3. Full compliance with said approval of Site Plan including any conditions put on the Site Plan by the Planning Board
4. No more than 25% of this project site may be used for any one of or any combination of the following non-industrial uses which are specified in the Mixed Use Development Project definition in Section 22-4 of the Leominster City Ordinance.
  - a) Personal consumer service establishments, b) Retail stores, c) Banks, d) Restaurants including drive-in and
  - e) Such other commercial uses typically found in such mixed use centers and parks
5. No parking for businesses at the specified location shall be located on Route 117
6. No parking on rights of way or easements and
7. Parking and access on the site shall be arranged so that no vehicle shall back out onto Route 117.

He said these are the conditions that have been used in other locations for Special Permits in that same area and we felt they will be relevant here. He said all there recommendations have been received and read.

Attorney Bovenzi said they submitted a letter with proposed conditions. He said all the conditions that are being recommended by Legal Affairs are acceptable to the applicant except that they were hoping for more flexibility on the amount of mixed use. He said what they are proposing is that the improved site would be allowed to use at least two types of uses at any location on the site and have the flexibility to continue on with those uses and to change those uses from time to time provided that the then all uses at that site met the parking requirements and met all Planning Board approvals. He said the Council knows Leominster TV (LATV) had to go through the Special Permit application who is a tenant of this facility today. He said they are hoping that the Council will see fit to provide the type of flexibility that allows for the rental of that property in a more expeditious manner, keeping in mind it would, none the less, have to meet all the planning safeguards from the Planning Board. He said it would still have to have adequate parking which would be a minimum of 222 spaces. He said the language in the definition section states you can allow such other commercial uses as typically found in such Mixed Use centers and parks and we are asking the Council to make a determination with respect to the Special Permit the types of tenants that they seek, a computer teaching operation and a dance studio, would fall within those types of uses in an industrial park. He said it is within the Council's authority and power to grant a Special Permit in the first instance and we think it is appropriate for the Board to define those uses and to allow the flexibility which is sound land use planning would entail. He said that the language he has submitted in the form of a letter that they ask the Council to respectfully look at. He said it doesn't limit any one use to the 25%; it gives them the flexibility to have the property rented and be an ongoing successful commercial operation.

Councillor Rowlands said for a point of clarification the studio LATV was given a Special Permit under the change of use ordinance and that is a different beast from this. He said if a different use or size was to change they have to come back, mixed use they don't. He also said it is not for them to determine if a dance studio falls under "a" through "e" and thinks it is up to the Building Inspector who interprets the zoning laws.

Councillor Rowlands read the letter from Attorney Bovenzi dated August 11, 2008 into the record.

Dear Council Members:

Based on certain discussions at the last public hearing, for purposes of clarification, I respectfully request that the City Council consider approving the above-referenced special permit with the following condition:

This special permit shall authorize any space or area at the Site to be used for or changed to, on any one or more occasions, any use permitted in the Industrial District or under the definition of Mixed Use Development Project in the Zoning Ordinance, including, without limitation, commercial uses typically found in Mixed Use Centers and Parks, such as television broadcast studios, computer teaching operations or dance studios, provided the total number of parking spaces for all the uses at the Site does not exceed 222 or such greater number as then allowed under the Leominster Zoning Ordinance.

Councillor Rowland asked Attorney Bovenzi what the types of businesses are that currently exist under the industrial zone.

Mr. Oldfield said areas in green are mostly business office, manufacturing are in the maroon color and warehousing is in brown. LATV is in the second and third floor. He said specific uses are screen printing, embroidery, and in the lower section there is auto manufacturing which put together auto parts and ship them out to various companies.

Attorney Bovenzi said to Councillor Rowlands that he sited the five uses and he understands them to be annunciated in the Mixed Use Development Project so that is personal and computer service businesses, business and professional offices, it goes on, retail stores, banks, restaurants including drive-in. However, the sentence goes on to say and commercial uses so there is a blanket provision for commercial uses and it isn't defined as one of those above mentioned five uses. So when you want to limit it to those five uses in addition to those five uses there are commercial uses that are typically allowed. He said he thinks it's broader than just the narrow definition of those five areas. He said to limit it and say we have to have no more than 25% retail stores, no more than 25% banks, no more than etc., etc., is to make it to inflexible. He said he thinks the whole idea of Mixed Use Development is to allow the flexibility to address the common sense approach to land use development use and operation, and as long you are meeting the safety requirements of parking, lighting esthetics, you are giving the developer the ability to have that flexibility.

Councillor Rowlands said just to make sure we are on the same page this suggestion for a condition of 25% of that complex or property could be used for non-industrial and include all of those. It is a combination of non-industrial uses outlined in the ordinance. He asked Attorney Bovenzi if he wants 100% commercial.

Attorney Bovenzi said we want to have the ability to have 100% mixed use. Mixed use allows industrial and other industrial uses but if the Council was to say you can only have 75% industrial that would defeat the entire intent and purpose of the Mixed Use Development because the Mixed Use allows restaurants, allows banks, allows retail, allows computer services and commercial so if all of that group was to be held to 25% we think it would be a nullity from my clients perspective and that it would not be useful. He said when they spoke of LATV he understands there are different vehicles for getting a Special Permit including rezoning or continuation or extension of a non-conforming use but the idea still is that they require Special Permits or other actions. We are asking the Council for a Special Permit for the entire development project as envisioned and allow us the flexibility.

Councillor Rowlands said talking about flexibility, if the first floor is a retail store and then it went to a bank and then to a beauty shop and then a restaurant you would not need to come back to this Council for a Special Permit. This is all covered under the Mixed Use Development Project. He said you have the flexibility to change all those uses under this Special Permit. Councillor Rowlands read the definition of the Mixed Use Development Project. He said it doesn't say outright commercial it says what is listed. He said the industrial uses are allowed by right because the zoning designation does not change. The purpose of Mixed Use is that it maintains the industrial zoning and does not change the land. It is an overlay district that allows for non-industrial use there. He said the intent of 100% commercial is a different thing. The intent is for mixed use.

Attorney Bovenzi said for a point of clarification he is reading the sentence and the language does say defining the Mixed Use Development and goes through a long list which you just read and then it does say "and it may include such other commercial uses". So it talks about all those other ones, you can have retail, industrial but it does talk about commercial uses typically found. He said granted there is no definition and it's within this Council's discretion to define what commercial uses are typically found in mixed use centers and parks and we would suggest that the ones we are suggesting would be typically found and he thinks it's inclusive not exclusive and he believes the definition allows you to have a building such as this to have uses that are not quite as deleterious as industrial but desirable for the neighborhood and community such as a bank, a retail store and such as commercial uses that we're suggesting.

Councillor Tocci asked how much percentage is considered industrial in the building which means office space and manufacturing.

Attorney Bovenzi said including office space its 75%. He said he thinks what has been designated on the plan is using the language from the zoning bylaws.

Councillor Tocci said so you are asking for 100% for the flexibility?

Attorney Bovenzi said yes, to be consistent with Mixed Use Development language of the ordinance that will allow you to have any of those uses in any combination, that is what we are asking for because we thinks it reflects a better use of the property and better use of the prospective tenancies of that property so that each individual tenant will not have to come back in front of the City Council provided they fell within those uses that are allowed and all subject to Planning Board approval.

Councillor Freda said Attorney Bovenzi made an important statement that the Planning Board has to approve every business that goes in there. She said as a developer, you are not going to have six banks in the building because they won't want to be in same building as each other. She said the buildings are not what they were at one time and we are very fortunate having these developers doing these buildings and taking an unsightly area and turning them into a nice area. She said everything that they said was going to be done has been done and in a respectful way to the neighborhood. She says she supports the 100%.

Councillor Nickel said the part of it that worries me is that we are giving away the whole farm at 100% but at the same time I have to agree with the Ward Three Councillor. He said we have a factory that was built in the 20's or 30's and doesn't meet any of the modern manufacturing requirements of today. He commends Mr. Mullaney for the work that he has been done within the City. He said he is ready to vote in favor of this petition tonight.

Councillor Rosa said when he looks at a project he looks at the value it will bring to the City of Leominster. He looks at the developer and the history of the site. They are going to be smaller facilities and always will be some industrial use for that building but he also has to look at new growth. He said he likes the flexibility because he wants to see a new growth revenue stream that makes up for some of the lack of development in other areas. He said we see the lack of development in all sectors. He said he looks at the property value and when we have more commercial activity that means the property values will be higher in an industrial use. He said he can't see tying the developer's hands behind his back and he to could go along with the flexibility of the Special Permit.

Councillor Lanciani said with the fence down it cleaned up the property 100% and not that there was anything wrong with the fence it was just unsightly. He said as you drive in you can see what has been done to that sight. He said there are things that came from a neighborhood and can go back to a neighborhood and what is happening there is true. He said we want a developer to come into our community and realize that we are user friendly in the sense that we are not going to punish them or restrict them but to work with them. He said he supports this 100%.

Councillor Salvatelli said the project is wonderful but the problem he has is whether or not we are being consistent with all the other developers. He asked what will this do for all the other empty industrial property, what does this do to the former developers that come in here, are we changing the course of direction because we see a good project. Are we consistent? We have to give the same type of treatment and be consistent. He said this is a dramatic new direction and if we are going to take it we will have to be consistent.

Councillor Marchand said he agrees with the need for the flexibility as stated by Attorney Bovenzi however he agrees with some of the sentiment of Councillor Salvatelli regarding setting a precedent. He said when he visited the site there was a lot of

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trucking stored on the property. He asked if they were moving them off campus or stay on campus and how would that play out with a dance studio.

Attorney Bovenzi said the site is improved with three buildings and the trucks that are Boucher Construction vehicles are behind the Gateway building in the back of the property. The uses that are retail and commercial are going to be located in the existing Gateway building in the front.

Councillor Marchand asked if they were going to have access to the intersection on Lancaster Street or is this going to happen on the back road. In other words will a dump truck be coming into the main entrance where the commercial establishments happening or will they have a separate egress for them on the back of the property?

Attorney Bovenzi said there are two separate egresses but not designated.

Councillor Marchand said he wants a restriction on that. He said he can't imagine a fleet of trucks in the construction industry passing through.

Attorney Bovenzi said that would be acceptable.

Councillor Marchand said he does agree with the intent on the flexibility part as long as you can express to us that you retain some industrial.

Councillor Rowlands said the point was raised with mixing traffic and asked Councillor Marchand if he wanted segregation of industrial traffic completely from the non-industrial uses, is that the point?

Councillor Marchand said he is concerned about the commercial vehicles not UPS or trucks and vehicles that take care of the establishments. He said it is the large equipment from Boucher Construction and he doesn't want to see it cutting across the parking lot especially children going in and out of the dance studio.

Mr. Oldfield showed the potential way that the traffic could be segregated.

Attorney Bovenzi said that was acceptable.

No one in the audience spoke in favor or in opposition of this petition.

HEARING ADJOURNED AT 7:15 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008

Hearing opened at 7:17 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present except Councillor Dombrowski.

Present at the hearing were David Mullaney of S.J. Mullaney Engineering, agent for the applicant, Stephen Mullaney and Barry Cosimi.

This hearing is a continuance from July 28, 2008.

The following PETITION was the subject of the hearing:

102-08 David R. Mullaney, 511 Lancaster Street LLC: Grant a Special Permit for a Mixed Use Development Project to allow 15% Commercial use at 463 – 477 Lancaster Street located in an Industrial zone and shown on Assessor's Map 443, as Lots 2, 3 and 4.

Councillor Rowlands said at the last meeting they did not have the recommendation back from the Planning Board. He read the recommendation. He said they have already gone through Site Plan Approval and has a document regarding that.

Councillor Rowlands said in subcommittee questions were raised regarding egresses and the relationship of industrial traffic with potential retail traffic and with the license to store flammables on the site elevate the awareness. He asked Mr. Mullaney to address the separation of traffic and driveway for egress in his presentation.

Mr. Stephen Mullaney said the plan sheet shows the proposed 2 acre commercial area which is 15% of the site outlined in the purple color. He said there are two existing curb cuts and they are proposing to make the westerly curb cut a one-way entrance in to the commercial area and the easterly curb cut, which is at the traffic signal at Viscoloid Avenue, a two-way entrance and egress from the commercial area only. He said the commercial area will be an enclave within the overall 13.67 acre site and there would be no cross traffic in the industrial portion of the site and the commercial portion of the site. He said there is an

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existing common driveway shared along the property line that abuts the neighboring property of Union Square Realty Trust. He said there is an agreement with the property owners where the property line is.

Mr. Mullaney said the ordinance requires a minimum width for two-way traffic of 18 feet for an entrance which they meet the requirement. The driveway moves from the applicant's property to the abutter's property. He said they are proposing no parking along the driveway just vegetation. He said this is the route that traffic will use for two-way traffic both for the Union Square project as well as the existing traffic that reaches the multiple industrial uses on the fully occupied buildings on the subject site. He said there are no changes proposed to the industrial access routes for this property. There is a secondary egress from this site at the intersection of Elm Hill Avenue and Litchfield Street where it intersects the CSX railroad crossing.

He said if you look back at the action the Council took when it granted the license for the flammable storage back in 2000 and the Planning Board Site Approval for the addition at 465 Lancaster Street in 2000, in both instances the request was made with the primary truck access and egress to utilizing this driveway that straddles the lot line and has been used for the past eight years without incident.

Councillor Rowlands read the Site Plan Approval from the Planning Board.

Councillor Rowlands asked the Ward Councillor if there were concerns about traffic or parking or any conditions that you would like to see on this Special Permit.

Councillor Freda said do I understand you had questions from an abutter?

Councillor Rowlands said yes.

Councillor Freda asked if it was in writing.

Councillor Rowlands said no.

Councillor Freda said she has not received any comments from abutters and asked who it was.

Councillor Rowlands answered Mr. Xarras. He said Mr. Xarras made a phone call to him and the questions that were raised were about the right-of-way and the shared driveway that the two property owners share. He said he asked the petitioner to be prepared for questions raised about the sharing of that driveway, what would it mean in terms of how the industrial traffic, specifically the traffic associated with the license to store flammable liquid, how would that affect the site. He said for example, would there be a separation of those vehicles with those potentially in the retail.

Councillor Freda asked if he was the only abutter he has heard from and asked if his only concern was the right-of-way which sounds like it is a legal issue and not within our purview.

Councillor Rowlands said yes. He said we clearly do not want to be in the business of settling a conflict or a potential conflict but in protecting the traffic, the site and the public safety. We do want to be aware what the potential options are if one side was to prevail or another or what would that mean to this project. He said we need to know what the alternatives are in terms of all the choices that are available so that when we make a decision we have all the information and that is what we were asking for.

Councillor Freda said she is satisfied with the plan as shown.

Councillor Marchand said I understand you are looking for 15% commercial and asked if this was a real number for them.

Mr. David Mullaney said they decided 2 acres would more than suffice with respect to the size of the building they want to build and the existing frontage. He said rather than coming in for 20% or 25% there was no way for them to substantiate the need for that. He said in regard to your question, it does not limit us with respect to this plan.

Councillor Rowlands stated the conditions that will be put on the Special Permit and asked if they have any problems with the conditions as specified.

Mr. David Mullaney said no.

Councillor Rowlands asked if they had enough space to use entirely their property and not shared property for the driveway.

Mr. Mullaney said yes. He said presently the entrance meets the zoning requirement for entrance off the street. He said if they had to stay entirely on the subject property they would have to remove some of the rip wrap rock that you see along the slope and create a driveway to wrap around the area where there is a little jog in the property line and a slight widening of the driveway along side the fence to stay on the property.

Councillor Nickel asked for the property line near the driveway be clarified.

No one in the audience spoke in favor or in opposition of the petition.

HEARING ADJOURNED AT 7:36 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008

Hearing opened at 7:37 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present.

Present at the hearing was Jamie Rheault, Whitman & Bingham Associates.

The following PETITION was the subject of the hearing.

2-09 David Barry: Grant a Special Permit for the demolition and reconstruction of an existing structure at 44 Pond Street located within the floodplain and shown on Assessor's Map 7 as Lot 5.

Introduced and made a part of the record were the following:

1. Petition 2-09 submitted by David M. Barry, 44 Pond Street, Leominster, MA along with a plan entitled Proposed Site Plan for Rockwell Roofing prepared by Whitman & Bingham, Registered Engineers and Land Surveyors, 510 Mechanic Street, Leominster, MA dated April 23, 2008..
2. Letters of recommendation from, the Department of Public Works. The Building Inspector and the Board of Health recommending approval.
3. Copies of the public hearing notice which was published in the Sentinel and Enterprise on July 21, 2008 and July 28, 2008.

Jamie Rheault from Whitman and Bingham was in attendance representing the applicant.

Councillor Rowlands read the recommendations from the Department of Public Works, the Director of Inspections and the Health Director. He said that recommendations from the Planning Board and Conservation Commission have not yet been received.

Mr. Rheault said the rear of the existing building is in disrepair and the owner wants to demolish the building and move it away from the brook. He said the proposed building has a 25.3 side yard set back and the rear yard set back 4.7 feet. The new building will be 5 feet and 10 feet respectively further from the brook. Mr. Rheault said that they have to relocate the drain line and catch basin. He said that a Special Permit from the City Council is required for work in the flood plain.

Councillor Rowland asked if there is compensatory flood plain storage.

Mr. Rheault said the table on the plan shows additional compensatory flood storage.

Councillor Dombrowski said it seems like it will be an improvement both esthetically and environmentally.

No one in the audience spoke in favor or opposition.

HEARING ADJOURNED AT 7:45 P.M. AND CONTINUED ON AUGUST 25, 2008 AT 7:30 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008

Hearing opened at 7:46 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present except Councillor Nickel.

Present at the hearing were David Dunkin the Corporate Vice President of facilities and Engineering for Health Alliance Hospitals, Daniel McCarty of McCarty Associates and Patrick McCarty of McCarty Engineering.

The following PETITION was the subject of the hearing:

103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

Councillor Rowlands read the recommendations from the Conservation Commission, the Department of Public Works, the Health Director, the Fire Department and the Planning Board.

Mr. Dunkin said they are requesting to expand the Hospital Overlay District to the newly acquired property by the hospital and to make some component changes to the internal component to the hospital overlay district. Mr. Dunkin gave a history of the hospital and the permit processing they have gone through in the past. He said in 1995 the Council approved the Hospital Overlay District but not without concern. He said there were concerns on how the hospital was going to grow because they did not have final plans at that time. There were also concerns about traffic and parking. He said in 1995 they began a master plan

and in 1998 when the plan was finished it went to the Planning Board was modified and approved. In 1999 Health Alliance started a Fifty Million Dollar construction project that was completed in 2001.

Mr. Dunkin said in January 2007 healthcare was changing dramatically and they began to develop a new master plan which would look out to ten plus years. They engaged with the same architectural firm DiGeorgio Associates that did the original master plan. He said within that ten years from 1998 to 2008 the hospital purchased eleven properties from Memorial Drive down to Route 12 and the majority of those properties are behind the McDonald's. He said they also bought three properties on McKay Street. There is one property behind McDonald's that they do not own but are in positive discussions with the current owner.

Mr. Dunkin said the master plan took into account the properties that were purchased within the last ten years and they also made the assumption that they would gain ownership of the last property behind McDonald's. He said within the first five years they want to expand the emergency room, add a new multi-use building near Route 12 almost across from Applebee's Restaurant and add parking near entrance C and D. He said within five years to ten years they would like to remove the south building and build a square rectangular building in its place and are requesting to go seven stories high instead of five stories high. He said the maximum height has changed because today's hospitals require more ventilation and issues to eliminate infections that the ventilation system, medical gas system, the sewer systems and water systems need a lot of room above the ceilings. Today, hospitals at a minimum are building fifteen feet floor to ceiling and we anticipated things will change and more ventilation will be required so we are estimated eighteen feet floor to ceiling. He said seven stories, eighteen feet in between with a maximum of one hundred twenty six feet. He said in the past they were only able to build ninety eight feet. He said another item within the five to ten year range is another physician's office building which will be attached to the professional office building with added parking. He said for ten years and beyond they would consider removing the north building and build another building in the same footprint and upgrade the core areas. He said all construction going forward in the future would meet all "green" construction and "green" technology.

Mr. Dunkin showed the existing overlay district and the proposed. He said from the north side of Memorial Drive nothing on the overlay district is changing up towards Highland Avenue. As you come down McKay Street you can see how the overlay district tooth-nailed in and out of the property they own. Mr. Dunkin said they met with the Building Inspector and he recommended that they go down to the corner of McDonald's and include that in the overlay district to square it off and to square it off at McKay Street and Washington Street.

He said on the proposed overlay district, shown on the plan in blue, is the core area. He said in the core area it would be modified from a five story building to a seven story building. He said that is not saying we are ready to build the seven story building today but in the future to have the ability. The pink zone, across from Applebee's, is the multi-use area and we are hoping to have a majority of health care use area but have been speaking with professional owners who would be willing to do a building similar to the Fidelity building. They have been talking with Worker's Credit Union to put a branch on their property. He said they envision a three or four story building with one story being professional use and the stories above would be hospital use and that would be medical office buildings, outpatient clinics, diabetes clinic or a women's center.

Mr. Dunkin said he wanted the Council to know that for several weeks they have been working with their Ward Councillor and other Councillors and meeting with their neighbors. He said they have had many neighbors meeting and two formal neighbors meetings with a lot in attendance. He said they went through the same presentation with them. He said many of the neighbors are okay. The people up on Arlington Street are happy that they have not grown back toward the hill and we moved down towards Route 12. The neighbors on DiMassa Drive are not 100% convinced of their plan and modifications. They are concerned about parking, and the building heights and traffic. He said one portion of DiMassa Drive currently has a buffer zone of seventy five feet and they are looking to modify that zone by five feet on one end and fifteen feet on the other end to add critical parking. He said this is all conceptual and we have a long way to go and we are not there at this point.

Mr. Dunkin said traffic and the configuration of traffic at the Route 12 and Nelson Street is a big concern for everyone, the hospital, the neighbors, the business owners of McDonalds and CVS and across the street. He said the hospital is willing to work in a very collaborative pro-active manner to help improve that. He said there has been some concern about the right hand turn coming out onto Route 12 from the hospital.

Peter Latchis, 22 DiMassa Drive said he is not opposed but just has serious questions on the overlay. He said CEO Mr. Muldoon and Vice President David Duncan from Health Alliance held two meeting with the abutters. He said it was agreed mutually that if they did not agree fully with the hospital plans they would still respect each others opinions and bring their concerns before the Council. He said expanding the overlay boundary, and especially the development envelope to such a degree will eliminate the abutters and City Council's input for many years. He said as an abutter he does not want to keep coming to these Council meetings on the same issue over and over again. He said the plan to put an 80 car parking lot in Residence A between DiMassa Drive is unacceptable. He wants the tall trees between his home on DiMassa Drive to act as a protective buffer because they will be building a seven story 126 foot building, 100 feet by 100 feet around Chandler Street in the near future. He said as a resident of DiMassa Drive he feels the need for a permanent protective buffer zone considering the magnitude and impact on this area. He said he is concerned with the core because it has come out another forty feet and wondered why it is so wide as it points to Nelson Street. He said there is a problem on McKay Street with one house on Washington Street and did they submit a letter to the Council. He said ten years ago on Nelson Street they voiced their concern on protection putting up a good barrier so there wouldn't be hospital use and parking garages or lots. Nothing much has been done in that area in ten years. He said in 1995 the abutters and the hospital came together before the vote and had an agreement that they would be protected and the hospital would have the right to build. Again we are asking to be protected against vertical parking in back of DiMassa Drive. He said the neighbors would like a permanent buffer for protection so they don't have to keep coming to these meetings.

Robin Dube, representing 38 DiMassa Drive, has concern on the buffer zone and is in full agreement with Mr. Latchis on that matter. Her other concern is the traffic. She said at the meeting for the hospital they said they do not know what the capacity is going to be in the core area. She said they outgrew their earlier plan a lot sooner than they expected and the traffic has not accommodated the quantity of people that are going through that area. She said she feels that until they determine what the

capacity is and have a traffic plan to accommodate that capacity this plan should not go forward. She said she is concerned it will choke the whole area and the plan is far bigger than the area can handle. She said she is glad they are planning on expanding the emergency room area because it is needed and thinks there could be a better plan that will not overshadow the City.

Lawrence Dion, 19 DiMassa Drive, said he is not here to speak against the expansion of Health Alliance but to try to win back, what he and his neighbors thought they had won, the buffer zone to protect them from the expansion. He said in the past he stood before the Council and said he hopes someday he does not look out his window and see an eighty foot brick building in his front yard. He said that has not changed. Shortly after the acceptance of the Health Overlay District an article was printed in the local paper that stated the whole situation was a win win deal. Health Alliance won because they got their overlay district and the residence of DiMassa Drive won because they received a buffer zone to protect them from a further encroachment from the hospital. He said apparently this promise or agreement meant more to the residence of DiMassa Drive than it did to Health Alliance because here we are again years later going over the same ground we went over then. He said they were happy with what they received. He said the paper also stated the Council did a great job in bringing together the two sides at the eleventh hour in order for the agreement to happen which allowed the overlay district to become an overlay district. Apparently that has been forgotten. He said he thinks it's time for the residents of DiMassa Drive to strongly suggest that this agreement for a buffer zone between the overlay district and the residents in Residence A be accepted and put into writing so that four years from now we are not back here going over the same ground.

Kathy Daignault, 107 Highland Avenue, said she wants to thank Health Alliance for being very informative. She said she is very concerned about the traffic. She said Nelson Street is very difficult to maneuver getting onto Route 12, getting from the Applebee's side left into Nelson Street. The Northwest School is in the back which contributes more traffic. It is a very congested area. She said she has no doubt that Health Alliance is committed to making a traffic plan work for everybody.

John Griffin, 4 DiMassa Drive said he wanted to echo the statements of Mr. Latchis regarding the buffer zone. He said he would like to keep that area Residence A and keep the woods so you don't see seven story buildings and get the noise.

Jim Tormey, 5 DiMassa Drive said he is constantly picking up rubbish. He said the traffic is very heavy on several occasions during the day. He said he believes the answer would be for the applicant to run a road off Hospital Road, put a set of lights so they can get across the street to get onto Route 12 and put arrows. He said if they need parking, they have an existing parking garage you can go up on which would alleviate parking for the emergency room. He said he is not in disagreement with hospital expansion but hopefully they will be considerate when they do it and try not to disturb what is existing.

Joseph Mahoney, 37 DiMassa Drive, said he is a fairly new homeowner of the street. He said the buffer zone is very important for them to maintain. He said he knows how important the hospital is.

Brian Lamy, 26 DiMassa Drive, said he is also new to the neighborhood and asks the Council to respect that it is Residence A and to keep the buffer zone where it is today. He said the trees are essential and he has very few trees between his property and the hospital and would like to keep them.

Carol Cohen, 32, DiMassa Drive, said she has been there over fifty years. She said the parking solution of eighty cars on Memorial Drive is just a band-aid and is not going to solve the parking problem that exists. She said there are many parking spaces in back of the hospital near the professional building that goes out to Arlington Street are always empty because they are too far away. She suggests that the employees park there not on Memorial Drive. She believes there is a better solution than putting in another eighty parking spaces which encroaches and reduces the buffer zone.

Nancy Latchis, 22 DiMassa, said she doesn't want anyone encroaching by putting an eighty car parking lot behind their houses. She said right now those trees are protecting them from the noise and pollution. She said she admires and respects them a lot and knows they are doing the best they can for the hospital and the community. She said please help protect us.

Councillor Rowlands read two letters into the record.

To Ward 5 Councillor Rick Marchand,

My name is Lorna Picorelli-Smith, I live at 294 Washington Street. I am writing this letter because I am unable to attend the August 11 Council meeting to voice my opinions. I did attend the July 22<sup>nd</sup> meeting at the hospital. At that time I was told my house was not in the overlay. A concerned neighbor let me know that it was not correct. I WAS IN THE HOSPITAL OVERLAY.

1. We do not want to be in the Leominster Hospital Overlay District Boundary.
2. I would like 13 McKay Street to remain Residence "A"
3. I am very concerned about my property. This was my Dad's home, now mine. So please keep us Residence A and nothing to do with the hospital

Thank you for your time in this matter,  
Lorna Picorelli-Smith

To Ward 5 Councillor Rick Marchand,

My name is Jennifer Pelletier and Shawn Pelletier. We live on 3 McKay Street. We are writing this letter to you because we will not be able to attend the August 11<sup>th</sup> Council meeting to voice our opinions. There are five issues I would like to bring to your attention:

1. We do not want to be in the Leominster Hospital Overlay District Boundary.

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008, continued

2. We want 13 McKay Street to remain Residence "A" as listed on the Leominster City Assessor's office map #145, lot 5.
3. We are requesting that the development envelope remains 94' from the back side of 13 McKay Street.
4. We would like to make Residence "A" a permanent resident "A".
5. We are also very concerned that we were not notified regarding this possible HODB involving our property from the people involved in this request. However, we were notified from a residential neighbor that we were very thankful for.

Thank you for your time involving this matter,  
Jennifer Pelletier  
Shawn Pelletier

Councillor Tocci asked how many feet exists now from DiMassa Drive.

Mr. McCarty said the dimension on the current overlay is 75 feet, 70 feet and 60 feet at certain points as he showed on the plan. It would be a change of 15 feet to 5 feet.

Councillor Tocci asked if this would add 80 parking spaces.

Mr. McCarty said basically yes, you could get two rows of parking between Memorial Drive and the line shown in yellow on the plan.

Councillor Tocci asked Mr. Dunkin asked if there was a designated employee parking area and is it monitored.

Mr. Dunkin said we have a very formalized employee parking plan and it is monitored. We are up to two security officers working 24 hours a day. All the employee parking is at the back part of the lots. He said there are people that break the policy and we deal with it as we are able to. He said on Memorial Drive we do allow the employees to park on the beginning part of Memorial Drive because one of the issues is the Memorial Drive is narrow there and needs to be improved in the future and because the employees park there the car turnover is very little. He said if it was strictly enforced on Memorial Drive there would be turnover all the time. These spots are just for employees that get special parking like an employee that has been working a long time and is pregnant and is having problems with her pregnancy and can't walk from the back lot. We have employees that have been working a long time and need knee replacement or hip replacement but are not ready for it now so they get special approval to park there and this helps the safety issue with the cars going in and out of Memorial Drive and as we go forward that is something that will be addressed.

Councillor Tocci said she goes there and has not encountered parking problems but has seen the back parking lot empty a lot and is curious if that is employee parking also.

Mr. Dunkin said the entire campus is striped in two different colors. The white strip lines are for employees and the yellow striped lines are for patients. If you drive around the campus especially on the weekend you will see all the parking spots farthest away from the entrance striped yellow that is where employees are suppose to park and all the white striped lines are for patients. He said we recently put in 32 cameras on the campus to view the parking areas, entrances and monitoring the cameras and following up on employees that park in the yellow stripe line.

Councillor Tocci said so an employee parks in the patient parking and gets caught, what happens?

Mr. Dunkin said it dealt with in their disciplinary policy just like any other discipline or breaking of a policy. It is pretty typical to give verbal warnings, verbal warnings, written warnings, written warnings, suspension, suspension, termination. He said we also have the challenge that our employees use the hospital and it never fails the day that an employee parks in a patient parking, their called upon and they pull out and say they had a doctors appointment or brought their Mom. So it is monitored, enforced and difficult to be exact all the time.

Councillor Dombrowski asked that the properties acquired by the hospital since the last overlay be identified.

Mr. McCarty McCarty pointed them out on the plan for a total of eleven.

Councillor Dombrowski said he understands the blue area is the core area. Is it the proposed core area or the current core area?

Mr. Dunkin said it is the proposed core area. He said there was no core area in the past.

Councillor Dombrowski asked if the reason for the straight line on McKay is for practicality from the hospital's standpoint?

Mr. Dunkin said yes it is practical and when we met with the Building Inspector he said that from an enforcing point of view it would be so much more practical just to square it off and that the residence zoning is underneath the overlay.

Councillor Dombrowski said from a practical financial standpoint it might create some problems if someone is trying to sell their home.

Mr. McCarty said when the overlay district was structured in 1994, Goulsten & Storrs and the City's attorneys worked together to structure it. He said the underlying Residence A zoning district is not disturbed in the overlay district so all the rights of the Residence A zoning district remain in place.

Councillor Dombrowski said I understand that but they will then be considered part of the overlay.

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008, continued

Mr. McCarty said their property could be considered part of the overlay as well. He said it has no effect on the proposed strategy development plan that Mr. Dunkin has worked with DiGeorgio Associates so inclusion or non-inclusion of those two properties doesn't materially change the plan and doesn't have an effect on it. It was more of the follow the side line of the roadway thought process.

Councillor Dombrowski asked how many buildings are currently in the core area, two?

Mr. Dunkin said we call it the Main Wing, the North Wing, the South Wing and then the East Building and the Foster Wing. You could call it all one building but the wings were built in different times.

Councillor Dombrowski asked if they had considered a valet system like Worcester Medical or Boston.

Mr. Dunkin said about six or seven years ago they implemented valet parking and ran it for a year and a half and almost no one used it. He said at that time valet parking was free. He said we are still a community hospital and we are trying not to charge for parking.

Councillor Dombrowski asked what the proposed development schedule is as far as improvements go.

Mr. Dunkin said definitely the emergency room is first and they are beginning the design process now and expects construction could start around this time next year. He said he anticipates the emergency room project to be a two to three year project because they will be building around the emergency room and they can't shut that down. He said depending on the approval process the building down near Route 12 people would be interested in getting that going in the next couple of years or shorter. He said the medical office building has been 100% occupied for fourteen years. Additions have been added and they have a waiting list.

Councillor Salvatelli asked if the concept of going higher for the parking garage has been looked at.

Mr. Dunkin said it has been looked at but the issue is they are fortunate enough to still have some land and the cost of a parking garage is \$25,000.00 to \$35,000.00 per parking space where the cost of putting parking on grade is \$5,000.00 per space. He said the hospital wants to put all of its available capital into buildings and equipment to take care of the patients and if we use up the capital on the parking structure then there is less available for building for the hospital.

Councillor Salvatelli asked if he has been down to the gateway project at WPI.

Mr. Dunkin said yes, I know where it is.

Councillor Salvatelli said that is a similar concept that I am trying to develop in terms of the hospital and they are very expensive to rent those spaces. You could easily rent them out to your doctors.

Councillor Rosa said this buffer zone is very important to him. He said in 1975 he was the City Council President and they had several hearings and the proposal for the overlay was in danger of failing. He said he was for moving the proposal forward and worked closely with the neighbors, Mr. Dunkin and other officials. He said in the eleventh hour he thought this proposal was going to fail and he looked at what the City of Leominster was going to lose. It would possibly lose a health facility, regional health care and financial advantages for the City which were all good things for the City. He said paramount was protection of the neighborhoods. He said he drew the line for the buffer zone and asked if this would satisfy the neighborhood. He said the neighborhood said they would be satisfied and it was present to Mr. Dunkin and they said they could deal with it. He said he told the neighborhood they will never have to worry about their buffer zone and still feels responsible for that. They have been good neighbors with everybody and he said he has to believe the hospital can respect that buffer zone. He said he knows it's difficult they want the eighty parking spaces; I know it's difficult that they have to spend more money for parking but I still have ownership of that buffer zone and my name is on it. He said he is asking them to work with the neighbors and look at an alternative plan that would put parking in other areas and not to tamper with their buffer zone unless they can come up with some creative way that totally satisfies the neighbors. If the neighbors in the end say they cannot live with the tampered buffer zone he will have a very difficult time moving forward to vote on this issue.

Councillor Marchand, the Ward Councillor for this area, spoke on behalf of the neighborhood. He said he wanted to thank Mr. Dunkin; he has been up front and extremely professional with him as the Ward Councillor and has had some intense conversations on the record. He said that he and Councillor Rosa met with the neighborhood to qualify their position and to share concerns they have with the neighborhood. Councillor Marchand said you need to go to DiMassa Drive and see the fence in the back of these properties. He asked Mr. Dunkin how much of the banking on Memorial Drive they would be taking out with this proposal.

Mr. Dunkin said it would be from the Memorial Drive level into the hill which is quite a raise. He said they would be going in close to the 70 foot mark and the 60 foot mark into the hill to add the eighty parking spaces. He asked Councillor Marchand if that answered his question.

Councillor Marchand said no. He said how deep is it from the existing Memorial Drive curb to that particular position where the buffer is compromised?

Mr. Dunkin said 60 feet at the beginning of Nelson Street intersection.

Councillor Marchand said at the Latchis property how far will you go in there?

Mr. Dunkin said 40 feet from the existing curb.

Councillor Marchand asked what will happen to the majority of the pine trees in this area.

HEARING BEFORE THE CITY COUNCIL, AUGUST 11, 2008, continued

Mr. Dunkin said the majority would come down and one of the items that they are proposing and just beginning is Mr. McCarty hired Andy Leonard Landscaping to work on a design that would replenish all of the landscape plus more once the pines were taken down, the scrub brush taken down and the parking lot would be in.

Councillor Marchand asked if the restoration would guarantee the existing height.

Mr. Dunkin said we are no where near that level.

Councillor Marchand said potentially there is a seven story building going in somewhere down the road and you will be going from the ordinance that exists which is 98 feet and you want to go 126 feet. This is a Residential A neighborhood. He said his first position is that we are very fortunate to have Health Alliance in the City of Leominster and they are a benchmark health institution and he as a citizen has complete confidence in them. He said there has been a commitment on the part of Health Alliance not just to advance but to take care of the concerns the neighbors had. He said they have addressed issues the neighbors had regarding ambulance, noise, sirens, delivery and it has been wonderful. He said one of his challenges on behalf of the neighborhood is to not offend and discredit the existing buffer zone but make it bigger. He said when it comes down to the parking issues what you have in the landscape may work okay for now but in the meantime you are going to have to invest in a parking garage. He said when they converted Hospital Drive into a one-way exiting it became a huge problem on where do the people go if they want to take a left onto North Main Street. He said he was in complete agreement regarding the concept of the professional building across from Applebee's. He said the process and the traffic have overtaxed Memorial Drive. He said there has to be a commitment with some of the abutters in that corridor to be able to put lights at the opening of Hospital Road. This needs to be a condition or a Memorandum of Understanding which needs to be addressed.

Councillor Marchand said he has not heard one abutter talk strongly against this outside of the fact they fought to the final end in order to have the integrity of what you gave them and what the City Council awarded them at that time. He said it's not a lot but it's something and he thinks for this to move forward he would like to see that component addressed. We need to bring that campus down to North Main Street not into the backyards of residential neighbors. We need to make sure traffic goes in and out of a major area that is safe. He said he likes to old legislature better than the new so if you add or delete we want to see it.

Councillor Marchand asked Mr. Dunkin if he or Health Alliance got anything in writing regarding the height of the buildings and the different issues that were brought up tonight.

Mr. Dunkin said they were not in writing.

Councillor Marchand said he wants them in writing from him/Health Alliance and Mr. Cataldo. He said at the abutters meeting there was a common ground that the City and the businesses need to look at that intersection at Nelson Street and the hospital was more than willing to get involved in that process. He said we cannot give you carte blanche on this because this might be the last time we see this before the City Council. He said we do not want you touching DiMassa Drive and putting the pressure on the people of DiMassa Drive to sell their properties because once one or two are bought the rest of them are in trouble. This is not a legal condition we as a City Council can require but a Memorandum of Understanding in Perpetuity will be greatly appreciated.

Councillor Rowlands said he looks at the multi use area as an expansion of the hospital's charter which is health care. He said his question is in terms of protecting the buffer in the residency, rather than reduce it, I would think you would be looking to expand the buffer and taking more out of the multi use area. You should be protecting all the buffers at their existing capacity if not expanding those. He said if you need more area you shouldn't be taking it from the buffer area you should be taking it from the multi use area.

Mr. Dunkin said they are trying to develop plans to present to the neighbors that they will be comfortable with and we are going to be good neighbors. He said he would like to caution the Council as saying commercial and maybe there needs to be some wording that's modified. He said he define it as very professional type space that physicians or clinical or outpatient clinic space would be very comfortable abutting next to and being part of the same building.

Councillor Rowlands said if it were these uses you wouldn't need a multi use area you would just leave it as part of the hospital overlay district. So clearly you are asking for a non-health care development. He asked why would we be interested in expanding your permissible development outside of healthcare when you are infringing beyond the buffers.

Mr. Dunkin said because if it is a multi use area there would be the opportunity to have someone other than the hospital construct that building, use their capital and we would be a major tenant instead of taking \$20 million - \$30 million debt capacity we would be able to pay rent on an entire floor or two floors and not utilize our capital. He said the other opportunity is that the land has value to it and whoever builds the building would pay us for the use of the land which would offset the rent.

HEARING ADJOURNED AT 9:15 P.M. AND CONTINUED TO SEPTEMBER 8, 2008 at 7:15 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 11, 2008

Meeting called to order at 8:00 P.M.

Attendance was taken by a roll call vote; all members were present.

A recess was called at 8:02 P.M. to continue the public hearing and hold a public forum.

The meeting reconvened at 9:27 P.M.

A moment of silence was taken for Raymond Lappiere who passed away. He was a former City Council member and will be remembered for his inspiration for cultural events. He was instrumental in the Franco American War Veterans, the Eagles and any veteran's organization. He was also instrumental in new cultural buildings and remodeling with Councillor Lanciani.

A motion was made and seconded to go into Executive Session under the provisions of Chapter 39, Section 23B of the Massachusetts General Laws. Voted by roll call. Vt. 9 "yeas". The Council President Marchand said the regular meeting would reconvene at the conclusion of the Executive Session.

The meeting reconvened at 10:05 P.M.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

- C-7 Relative to the appropriation of \$51,226.00 to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.
- C-8 Relative to the appropriation of \$61,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.
- C-9 Relative to the appropriation of \$45,000.00 to the Assessor's Expense Account; same to be transferred from the Emergency Reserve Account.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the LEGAL AFFAIRS COMMITTEE. Vt. 9 "yeas" Upon request of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was given FURTHER TIME and referred to the Planning Board and the Department of Public Works. Vt. 9 "yeas"

- C-10 EMERGENCY PREAMBLE  
Dean J. Mazzarella, Mayor: Request that the Mechanic Street layout plan prepared by Cullinan Engineering for the Mechanic Street Bridge Project be accepted.

The following COMMUNICATIONS were received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

- C-11 Relative to the appropriation of \$5,641.01 to the C.D.B.G. Housing Construction Expense Account; same to be transferred from the following C.D.B.G. Accounts:  
  
L.H.A./F.L.A.S.H. Program \$4,900.00  
Energy Assistance Program 1.00  
State Pool Program 740.00  
Montachusett Addiction Program .01
- C-12 Dean J. Mazzarella, Mayor: Request that Colin Davis be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest as he is currently employed by the City of Leominster School Department and will be taking on a position at the Recreation Department.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Ways & Means Committee.

- 6-09 Kate Griffin Brooks: Requests that the City Council consider the adoption of the 43D Policy to formalize the agreement the City has with the State regarding the Expedited Permitting provisions of M.G.L. c. 43D.

The following PETITION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Building Inspector.

- 7-09 James Lanciani Jr.: Allow the Leominster Lions Club to install eight signs throughout the City of Leominster.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Economic Development Coordinator.

- 8-09 Jon Andrea Zajon and George Boulgabian: Grant a second hand dealer license to George's Fine Jewelers at 255 North Street.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 11, 2008, continued

Councillor Rosa, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Emergency Reserve:	\$200,000.00
Stabilization Account:	\$8,712,152.38
Interest Earned:	\$362,471.88

Upon request of the FINANCE COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”

C-1 Relative to the appropriation of \$55,000.00 to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATIONS were given FURTHER TIME. Vt. 9/0

C-3 Mayor Dean J. Mazarella: Consider taking, by Eminent Domain, rights associated with properties located at 705 Mechanic Street and 720 Mechanic Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.

C-4 Mayor Dean J. Mazarella: Consider entering into an agreement to obtain rights associated with properties located at 473 Florence Street and 475 Florence Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION were given FURTHER TIME. Vt. 9/0

95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing “Mixed Use Development Projects” and inserting in its place a new Section 22-24 creating “Industrial Mixed Use Overlay Districts” (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes.(A hearing is scheduled for August 25, 2008 at 7:45 P.M.)

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED with CONDITIONS. Vt. 9 “yeas”

98-08 Stephen Boucher for Gateway Business Center LLC: Grant a Special Permit for a Mixed Use Development Project at 435 Lancaster Street consisting of 5.95 acres in an Industrial zone and shown on Assessor’s Map 443 as Lot 1.

Conditions as follows:

1. Compliance with all federal, state, and city regulations, ordinances, and codes
2. An approval, by the planning board, of the site plan including any conditions that the Planning Board deems necessary to be added to the Site Plan
3. Full compliance with said approved Site Plan including any conditions put on Site Plan by the Planning Board
4. No More than 50% of this project site may be used for any one of, or any combination of, the following non-industrial uses which are specified in the Mixed Use Development Project definition in Section 22-4 of the Leominster Zoning Ordinance:
  - a. Personal and consumer service establishments
  - b. Retail Stores
  - c. Banks
  - d. Restaurants including drive-in
  - e. Such other commercial uses typically found in such Mixed Use Centers and Parks
5. No parking for business at the specified location shall be located on Rt. 117
6. No parking on existing right of way easements
7. Parking and access on the site shall be arranged so that no vehicles shall back out onto Route 117

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED with CONDITIONS. Vt. 8 “yeas”; Councillor Dombrowski abstained due to a possible conflict of interest. Councillor Rowlands disclosed his wife Gail Rowlands works for Dombrowski, Aveni and Bunnell.

102-08 David R. Mullaney, 511 Lancaster Street LLC: Grant a Special Permit for a Mixed Use Development Project to allow 15% Commercial use at 463 – 477 Lancaster Street located in an Industrial zone and shown on Assessor’s Map 443, as Lots 2, 3 and 4.

Conditions as follows:

1. Compliance with all federal, state, and city regulations, ordinances, and codes
2. An approval, by the Planning Board, of the Site Plan including any conditions that the Planning Board deems necessary to be added to the Site Plan
3. Full compliance with said approved Site Plan including any conditions put on Site Plan by the Planning Board
4. No More than 15% of this project site may be used for any one of, or any combination of, the following non-industrial uses which are specified in the Mixed Use Development Project definition in Section 22-4 of the Leominster Zoning Ordinance:

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 11, 2008, continued

- a. Personal and consumer service establishments
  - b. Retail Stores
  - c. Banks
  - d. Restaurants including drive-in
  - e. Such other commercial uses typically found in such Mixed Use Centers and Parks
5. No parking for business at the specified location shall be located on Rt. 117
  6. No parking on existing right of way easements
  7. Parking and access on the site shall be arranged so that no vehicles shall back out onto Route 117
  8. Egress for industrial traffic, including traffic associated with license to store flammable liquid shall be separated from the non-industrial traffic associated with the 15% non-industrial uses specified above.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was TABLED. Vt. 8/0. Councillor Nickel abstained due to a possible conflict of interest.

103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9/0

1-09 David Rowlands: Designate Industrial Road no parking on the east side of Eastern Avenue to Jordan Way.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITIONS were given FURTHER TIME. Vt. 9/0

2-09 David M. Barry: Grant a Special Permit to remove 3,030 sq. ft. of an existing building and replace it with 3,675 sq. ft. of new building at 44 Pond Street, located in the Flood Plain and shown on Assessor's Map 7, as Lot 5. The hearing will be continued on August 25, 2008 at 7:30 P.M.

3-09 John M. Dombrowski: Amend Chapter 21 of the Revised Ordinance entitled "Water and Sewers" by amending Section 21-13 (b) and 21-13 (h) relative to water service and the responsibility of the installation, maintenance, repair, renovation or replacement of the service pipe, stopcock, valve and other fixtures.

5-09 Robert Bolio, President BRJ Ltd.: Grant a Special Permit for a Mixed Use Development Project to allow 70% Commercial use and 30% Industrial use at 39 Spruce Street located in an Industrial zone and shown on Assessor's Map 20, as Lot 14. (A hearing is scheduled for August 25, 2008 at 7:15 P.M.)

Upon request of the PUBLIC SAFETY COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

100-08 Claire M. Freda: Request the police determine the safety and traffic volume for the possible closure of the bridge on Old Mill Road.

Upon recommendation of the PUBLIC SAFETY COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 9/0. Amended to change to pole #51 and pole #48.

4-09 Dick O'Brien, Regional Director for the Trustees of Reservations: Establish two pedestrian crosswalks on Abbott Avenue.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-6 Mayor Dean J. Mazarella: Accept a Resolution in regards to the improvements to Imagination Station at Doyle Field.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9/0

Emergency Management- Admin Unit – Diane Beaudoin

Veterans Graves Registration Officer – Claude Poirier - term to expire June 30, 2009

Under New Business, subcommittee meetings were established for August 20, 2008: Finance Committee at 6:30 P.M. and Legal Affairs Committee at 7:00 P.M.

Under Old Business, John Dombrowski, Chairman of the President's Drinking Water Oversight Committee said there will be an informational meeting on August 28, 2008. He said if there are any questions to forward them to him. He said the same people will come down as last time.

Councillor Rowlands asked if everyone received a copy of the Water and Sewer Rate Study and wanted to know if they could entertain the water side of that at a subcommittee meeting.

Councillor Dombrowski said he didn't have a problem with it.

It was voted by the Council to send a letter to Roger Brooks from the Water/Sewer Department, Mr. Benevides from Woodward & Curran, Pat LaPointe from the Department of Public Works and Mr. Chalifoux from Violi Water to request their presence at the August 28, 2008 meeting.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 "yeas"

The City of Leominster  
In the year two thousand and eight

An Ordinance amending Chapter 22 of the Revised Ordinances, entitled "Zoning."

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

Chapter 22 of the Revised Ordinances, entitled "Zoning," Article II, section 22-16, Generally Permitted Uses, is hereby amended as follows:

Section 16.10 is hereby amended by deleting the words "the City Council" and inserting in their place the words "the Planning Board."

Section 16.10.1 is hereby amended by deleting the words "The City council" and inserting in their place the words "The Planning Board."

Section 16.10.2 is hereby amended by deleting the words "the City Council" and inserting in their place the words "the Planning Board."

Upon recommendation of the WAYS & MEANS COMMITTEE, the following RESOLUTION was ADOPTED. Vt. 9 "yeas"

PARC Park Renovation Project – City Council Resolution

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE  
COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND  
ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITION AND  
RENOVATION FOR COMMUNITIES PROGRAM FOR IMPROVEMENTS TO  
IMAGINATION STATION AT DOYLE FIELD

- Whereas: Imagination Station is by and far a community wide asset and the improvements to this facility are a City priority as evidenced by the most recent Open Space and Recreation Plan; and
- Whereas: Imagination Station's ultimate restoration, guided in principal by the Doyle Field Master Plan, will greatly enhance this facility by addressing current maintenance needs and present safety concerns by removing the existing outdated playground structures and constructing a new playground; and
- Whereas: The overall cost and fiscal budget constraints prevented the City from proceeding forward with implementation as one project; and
- Whereas: The project was instead viewed as a series of phases, to be implemented over time, by priority as fiscal resources were available, with the intention of securing grant funding, when and if available, to assist in this effort; and
- Whereas: The Executive Office of Energy and Environmental Affairs (EOEEA) is offering grants to reimburse cities and towns to support the preservation and restoration of urban parks through the PARC Program, Chapter 933 Acts of 1977, as amended; and
- Whereas: Phase I of the Imagination Station Project will cost a total of \$114,000 (One Hundred and Fourteen Thousand Dollars) and the City has allocated \$114,000 in type of funds for Phase I of the Project.

NOW, THEREFORE, BE IT

1. That the Mayor be and is authorized to apply for and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Recreation Department; and
3. That this resolution shall take effect upon passage.

MEETING ADJOURNED AT 11:14 P.M.

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Lynn A. Bouchard, City Clerk and  
Clerk of the City Council