

HEARING BEFORE THE CITY COUNCIL, JULY 25, 2011

Hearing opened at 7:08 P.M. with Councillor Rowlands, Chair of the Legal Affairs and the President's Zoning Committees, presiding.

All members were present.

The hearing is continued from June 13, 2011.

The following PETITION was the subject of the hearing:

33-11 Paul A. DiGeronimo, Manager of Johnny Appleseed Realty, LLC: Rezone 1.13 acres of land on Sawtelle Road and Montrose Street from Commercial to Residence B as shown on Assessor's Map 442, Lot 18 and Map 523, Lot 14.

Councillor Rowlands read a letter from the Planning Director and a letter from the Engineer representing the petitioner.

Dear Lynn:

At a regularly scheduled Planning Board meeting on July 19, 2011 the Planning Board voted unanimously to recommend disapproval of the rezoning of 1.13 acres of land on Sawtelle Road and Montrose Street from Commercial to Residence B as shown on Assessor's Map 442, Lot 18 and Map 523, Lot 14.

The rezoning of this site would create spot zoning. Spot zoning is defined in Section 18.01 (B) of Massachusetts Land Use and Planning Law as a "singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, all for the economic benefit of the owner of that lot."

If you have any questions please do not hesitate to contact my office.

Sincerely,
Kate Griffin-Brooks
Director of Planning and Development

Dear Members of the City Council:

Thank you for your consideration of the above-referenced petition. During the June 13, 2011 session of the City Council hearing for this filing, Legal Affairs Subcommittee Chairman David E. Rowlands continued the hearing to July 25, 2011. At this time, my client, petitioner Johnny Appleseed Realty, LLC, Paul A. DiGeronimo, Manager, hereby respectfully requests that the petition be given leave to withdraw without prejudice. The petitioner appreciates the patience with which the City Council has been handling this petition and particularly the City Council's willingness to continue the hearing multiple times. However, in light of recent public comment during the Planning Board hearing on the petition, the petitioner believes that deferring the petition for the time being will afford the petitioner the occasion to further discuss in detail with each individual who has expressed concerns about the petition what land use options are available to present and future owners of the subject site under the current Commercial zoning and the land use options available if the zoning were to be changed to Residence B.

Thank you for your attention to this matter. Please contact me if you have any questions, if you need additional information, or if our attendance is required at a meeting of the City Council to effect this request.

Very truly yours,
S. J. MULLANEY ENGINEERING, INC.
Stephen J. Mullaney, P.E.
President
As Agent for Petitioner Johnny Appleseed Realty, LLC, Paul A. DiGeronimo, Manager

HEARING ADJOURNED AT 7:11 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JULY 25 2011

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present. Councillor Freda arrived late.

The Committee on Records reported that the records through June 27, 2011 were examined and found to be in order. The records were accepted.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-1 Relative to the appropriation of \$7,000.00 to the Police Department Salary and Wages Account; same to be transferred from the Police Department Salary and Wages Account.

REGULAR MEETING OF THE CITY COUNCIL, JULY 25 2011, continued

The following COMMUNICATION was received and referred to the WAYS & MEANS COMMITTEE. Vt. 9 “yeas” Upon recommendation of the WAYS & MEANS COMMITTEE the following COMMUNICATION was GRANTED under Suspension of the Rules. Vt. 9 “yeas”

- C-2 Dean J. Mazarella, Mayor: Request that Mary Brow be exempt from the provisions in M.G.L. Chapter 268 (20B) Conflict of Interest as she is currently employed by the City of Leominster as a School Nurse and will provide services as needed on a part-time basis during summer programs at the Leominster Recreation Department.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board.

- 1-12 Leominster City Council: Amend the language in the pending zoning legislation to amend “Table of Uses – Generally Permitted Uses” subsection 16.5.1.2 to read “No more than four (4) lodgers or boarders except in Residence B and C. All boarding/ lodging houses need a special permit from the Planning Board.”

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

Board of Appeals – Paul Romano – term to expire April 15, 2014
Emergency Management – Kelly Creed, Mary Walsh – EMS Unit
Bryan Withington – Rescue Unit

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 9/0 (A hearing is scheduled for August 8, 2011 at 7:00 P.M.)

- 75-11 Chris Caputo: Rezone the land located at 7 Prospect Street from Residence A and Business B to Commercial.

Under Old Business, Councillor Rowlands, Chair of the President’s Zoning Committee, said they met on July 13th and July 20th with Stacia Venturi from the Building Department. She presented five pages of review that they went over. We have one meeting left to finish up with Mr. Mullaney’s comments, then we will put forth a summation of different input that has been gathered and hopefully make a recommendation.

Under New Business, Councillor Rowlands said a letter was received from Sergeant Kinney regarding four way stop signs.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for August 8, 2011 at 6:55 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend Chapter 13, Section 13-34 of the Revised Ordinances entitled “No Parking on Certain Streets” by inserting “Notre Dame Street (north side), from a point 281 feet west of Arlington Street to a point 313 feet west of Arlington Street in the area of Pole #2.”

Councillor Marchand said on behalf of the neighborhood he wants to thank the License Commission who were very professional and went out of their way and worked with the neighborhood regarding an issue in Ward 5.

Councillor Marchand said on Saturday noon to 6:00 P.M. at the Pop Warner Field they are celebrating their 50th anniversary and the keynote speaker at 3:00 P.M. will be Coach David Chester.

Councillor Freda said she wants to recognize Anthony DeCicco who sang the National Anthem at the Red Sox game at Fenway. She said Leominster’s Diego Fagundez of the Revolution Soccer team also needs recognition.

Councillor Lanciani complimented the American Legion Post 151 boys baseball team as they have defeated everyone they have played and are advancing to the championship.

Councillor Freda said what F Troop did last Saturday for the Roberge family was amazing It took 5 ½ minutes to pass the park on Mechanic Street and they estimated that there were 350 – 450 bikes. She said there was a family from New York, whose son had died with Jonathan Roberge, and they had come to spend the day. They had tried to get a bridge in New York named after their son without success. They could not believe how our city responds to veterans and veterans issues. Their son’s name will appear with Jonathan’s name at the park.

Councillor Rowlands, Chair of the LEGAL AFFAIRS COMMITTEE, moved that the following PETITION be removed from the table and placed on the calendar for action. It was so voted. 9/0 Committee report as follows:

- 33-11 Paul A. DiGeronimo, Manager of Johnny Appleseed Realty, LLC: Rezone 1.13 acres of land on Sawtelle Road and Montrose Street from Commercial to Residence B as shown on Assessor’s Map 442, Lot 18 and Map 523, Lot 14. LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9 “yeas”

MEETING ADJOURNED AT 7:46 P.M.

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