



John Souza
Chairperson

Carol Vittorioso
Vice Chairperson

Office of The Planning Board

City of Leominster, Massachusetts

City Hall

25 West Street

Leominster, MA 01453

Phone: 978-962-3543

<http://www.leominster-ma.gov>

DRAFT MEETING MINUTES PLANNING BOARD MEETING APRIL 4, 2022 @ 6:30 P.M.

MEMBERS PRESENT

John Souza, Chairman

Carol Vittorioso, Vice Chair

Dean Valliere

Patrick Perla

Jason Pare

MEMBERS EXCUSED

Salvatore Ciccone

Thomas Carignan

Paul Weizer

STAFF PRESENT

Elizabeth Wood Director

Stephanie Whitten, Clerk

Notes:

Ms. Vittorioso presided as the acting Chairman for this 4/4/22 meeting.

Scribe for this 4/4/22 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk

All members were present in-person, except for Mr. Souza who dialed in to the meeting via telephone.

SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS

6:30 Continued Open Public Meeting for Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant

- Ms. Vittorioso opened this Open Public Meeting at 6:30 p.m.
- Ms. Wood stated that the applicant has requested another continuance.



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- **Mr. Pare made a motion to continue this application to 5/2/22 @ 6:30 p.m. Mr. Perla seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.**

**** Mr. Perla made a motion to move to the Regular Meeting at 6:33 p.m. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0. ****

6:40 Continued Public Hearing for City Council Petition #20-22, Re: Overflow lots: To amend the zoning ordinance pertaining to the parking of unregistered vehicles

- Ms. Vittorioso opened this Public Hearing at 6:41 p.m.
- Ms. Wood stated that Mr. Ciccone is not here, but could she give a brief update on this.
- Ms. Wood stated that they had a subcommittee meeting on this, and several comments were received.
- Ms. Wood stated that Mr. Ciccone wants to be an integral part of taking those comments received from that subcommittee to draft an update to this amendment.
- Ms. Wood stated that this process did not happen yet, so we are going to have to either continue this or withdraw this and resubmit it later.
- Ms. Wood stated that it is up to the Board.
- Ms. Wood stated that Mr. Ciccone has personal issues with his mother being unwell.
- Mr. Perla asked if we need to keep the Public Hearing open for us to draft new language.
- Ms. Whitten stated that the original petition is going to be pretty different then the new draft and recommended we withdraw and resubmit it when it is ready.
- Ms. Wood stated that it will be significantly different, and we can re-advertise.
- Mr. Perla asked if we could close the Public Hearing on this.
- Ms. Wood stated that you can.
- Ms. Whitten stated that we can not because we do not have six members here.
- Ms. Whitten then asked Ms. Vittorioso if we could even open it.
- Ms. Vittorioso asked when it is a modification of the ordinance do we need a super majority.
- Ms. Whitten stated it is a Public Hearing.
- Ms. Vittorioso stated that she thought that was only for Special Permits.
- Ms. Whitten stated that she thought it was for all Public Hearings.



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- Ms. Wood asked Mr. Souza if you have an ordinance change if you need 6 members to take a vote.
- Ms. Whitten stated to Mr. Souza it is a Public Hearing.
- Mr. Souza stated, yes you do.
- Ms. Vittorioso stated that what you are saying is that when there is a modification to an ordinance you need a super majority.
- Ms. Whitten stated that when there is a Public Hearing you need a super majority.
- Ms. Vittorioso stated that there is not any action to it anyway.
- Ms. Whitten stated that she thinks the easiest thing is to continue it to the next meeting.
- Ms. Vittorioso stated that is fine.
- Mr. Souza stated that we can not take in any information, but we can continue it.
- **Mr. Perla made a motion to continue this to 5/16/22 @ 6:30 p.m. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.**
- Mr. Souza noted to the Board that they found on this that most of these new lots that the parking is over 10 spaces and that our ordinance already calls for a Site Plan and a Special Permit in the Water Shed for any parking lot over 10 parking spaces.
- Ms. Vittorioso stated, later in the meeting at 6:48 p.m., that she was checking the regulations on this, and a super majority was needed.

**** Mr. Perla made a motion to move back to the Regular Meeting to 4.0****

6:50 Open Public Meeting for Site Plan Application for Willard Street, Map 500, Parcel 2, Solar Energy System.

- Ms. Vittorioso opened this Open Public Meeting at 6:50 p.m.
- Christopher Anderson, from Hannigan Engineering, is the representative for this application.
- Tom Corbett, the applicant for the project, is also present.
- Mr. Anderson stated that at this portion of the site the property is mostly undeveloped.
- Mr. Anderson stated that due to the location of the wetlands and the close proximity they are for this project they will be filing with the Conservation Commission.
- Mr. Anderson stated that it is the intent of the applicant to construct a 5-megawatt battery storage system on the property.



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- Mr. Anderson stated that access will be provided off of Willard Street by an access drive, which will extend into the property and will provide access to eight concrete storage pads which will house the battery system units.
- Mr. Anderson stated that the batteries themselves will be encompassed within a security fence.
- Mr. Anderson stated that stormwater will be directed towards a rain garden.
- Mr. Anderson stated that soil testing was done on that area with DPW, and it was confirmed as conducive.
- Mr. Anderson stated that due to the nature of this project there is no need for a sewer or water connection.
- Mr. Corbett stated that these systems are designed to take energy off of the grid in times of high production of solar, store that energy and then inject it back during times of peak demand.
- Mr. Corbett stated that out charging windows would go from about 11 in the morning to 5 at night.
- Mr. Corbett stated then the discharging would be from 5 to 11.
- Mr. Corbett noted that these projects have to go through a strenuous study with National Grid.
- Mr. Corbett stated that there will be 4 pads, with 2 containers on each pad, so there are 8 containers for a 5-megawatt project.
- Mr. Corbett stated that each battery container itself is all accessible from the outside, and where they do meet face-to-face there is a ton of foot gap for access and egress.
- Mr. Corbett stated that there are some other pieces of equipment called reclosers, a meter that goes to a transformer, as well as an inverter for the batteries to accept the energy.
- Mr. Corbett stated that from the street it is hooked up very similar to the way a solar field is hooked up.
- Mr. Corbett stated that there will be a transformer on a pole and a transformer on the ground with a recloser and there will be disconnect for them as well as National Grid.
- Mr. Corbett stated that equipment is in front of the fence before the road.
- Mr. Corbett stated that if there was ever a fire there is an option to flood the container.
- Mr. Corbett stated that there are orifices all over the container for air flow and ventilation.
- Mr. Corbett stated that this is the next kind of wave for renewable energy as they are phasing out large mount ground solar in the state.



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- Mr. Corbett stated that the Smart Program has been extended and expanded for residential homes and battery systems.
- Mr. Corbett stated idea is to capture energy that is being produced that they are not utilizing efficiently.
- Mr. Souza asked if this were dicad batteries.
- Mr. Corbett stated that these are lithium iron phosphate which is a solid-state battery.
- Mr. Corbett stated that there are no heavy metals in there.
- Mr. Souza stated ok.
- Mr. Souza asked Mr. Corbett if this was special fire suppression or water.
- Mr. Corbett stated that it is water.
- Mr. Pare asked Mr. Corbett if the fire suppression system you mentioned early involved flooding the site.
- Mr. Corbett stated that each individual container has 3 separate cabinet areas inside of it.
- Mr. Corbett stated that above those racks is piping system that has 8 sprinkler heads in each containment area.
- Mr. Corbett stated that so when they hook up to that pipe it would effectively make all of those sprinkler heads turn on.
- Mr. Souza asked Mr. Corbett if there is noise from the inverters.
- Mr. Corbett stated that they meet Massachusetts standards for noise ordinance.
- Mr. Souza stated that he thinks our ordinance states 60 feet.
- Mr. Pare asked how far the closest house is.
- Mr. Corbett stated that it is about 180 feet to the nearest home.
- Mr. Souza stated that should be ok.
- Mr. Anderson also noted that you have a security fence and additional plants around the site for an additional buffer.
- Mr. Souza stated that we could make that a condition, if that in the future there is a problem, they would have to plant trees for noise protection.
- Mr. Souza stated however it should be a problem.
- Mr. Pare stated that it is industrial zoned.
- Ms. Vittorioso read the Department Head comments as such:
 - o Fire, Building, Police, and Assessor all approved.
 - o DPW stated that *it appears bollards are shown within the right of way, the plans should be revised to show these structures inside the property boundaries.*
 - o Conservation is pending filing.
 - o The Planning Director comments were as follows:



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Waiver's Requested *A written waiver request has been submitted for Section 22-62.3.1 pertaining to the requirement for a Landscape Plan prepared by a licensed Landscape Architect.*

1. **Access.** *Per Section 22-58.2, the site will be evaluated by police and fire to ensure that all structures are readily accessible.*
2. **Lighting.**
 - A. *Per Section 22-58.6, demonstrate that all lighting of the site maintains a level of 1.0 foot—candle in driveway, parking, and pedestrian areas and that glare from the installation of outdoor lights is properly shielded from view of adjacent property and public rights-of-way.*
 - B. *Per Section 22-62.2 the applicant must demonstrate that all outdoor lighting will be arranged to minimize glare and light spilling over to neighboring properties.*
3. **Wetland Buffer.** *Per Section 22-58.8 the development of the site will preserve sensitive environmental land features.
Development of this site is within the 100' buffer zone from the wetlands. The Conservation Commission shall evaluate this proposal for comment and possible mitigation.*
4. **Property Boundaries.** *Per Section 60.1.1, indicate all property boundaries and the use and ownership of adjacent land and the location and use of any building thereon within three hundred (300) feet of the boundary of the subject property.*
5. **Screening.** *Per Section 22-60.1.8, be ready to verbally describe how screening is provided from abutting properties.*
6. **Snow Storage.** *Per Section 22-60.1.10, indicate snow storage areas on the site plan. It is assumed that snow will be removed from the access drive and from the proposed Energy System, Renewable. Where will this snow be stored?*
7. **Turnaround for Fire Apparatus.** *Per Section 60.1.1.11, detail where there is appropriate turnaround for fire apparatus. The Fire Department shall evaluate the site to determine whether the turn-around area is sufficient.*
8. *Per Section 22-62.1 a Drainage Analysis has been provided. This is being evaluated by the DPW for suitability and comment.*
9. **Landscaping.** *Per Section 22-62.3.1, a landscape plan, designed by a Licensed Landscape Architect shall be submitted.
A waiver has been requested from this provision.*
10. **Dumpster:** *A dumpster is not shown on the plans. Is this because none is proposed?*



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- Ms. Vittorioso asked Mr. Anderson if he had any comments relative to these Department Head comments.
- Mr. Anderson stated that relative to the dumpster, once the construction is done there is no one there on a regular basis there will not be any need for a dumpster.
- Mr. Anderson stated that for lighting, there is no real lighting for these, typically there is just some type of motion sensor light at the equipment pads.
- Mr. Anderson stated that typically most maintenance will be done during the daylight hours.
- Mr. Anderson stated that there are no proposed exterior lights that require that much of an analysis and that he does not foresee any light intrusion on to the abutting properties.
- Mr. Anderson stated that he will address the property boundary comment prior to construction.
- Mr. Anderson stated that they already touched base on the screening comments where they are going to maintain as much of that woodland as possible and also will plant evergreen shrubs along Willard Street to bolster the buffer.
- Mr. Anderson stated that for snow storage if they need to plow snow they would push it off to the side, as it is not a substantial area like a parking lot, so it is very minor in nature.
- Ms. Vittorioso opened this Open this Open Public Meeting to the Public.
 - o Noone was in the audience, so additional comments were received.
- **Mr. Pare made a motion to close this 6:50 Open Public Meeting for Site Plan Application for Willard Street, Map 500, Parcel 2, Solar Energy System. Mr. Perla seconded. . Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.**

REGULAR MEETING

1.0 CALL TO ORDER

- At 6:33 p.m. Roll Call vote was taken. Mr. Ciccone was not present. Mr. Souza stated here. Ms. Vittorioso stated here. Mr. Weizer was not present. Mr. Perla stated here. Mr. Carignan was not present. Mr. Pare stated here. Mr. Valliere stated here. 5 Planning Board members were in attendance.

2.0 MINUTES OF PREVIOUS MEETINGS

2.1 None



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3.0 PLANS SUBMITTED

3.1 None

4.0 OLD BUSINESS

4.1 Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant

- Ms. Vittorios stated that this has been continued.

4.2 City Council Petition #20-22, Re: Overflow lots: To amend the zoning ordinance pertaining to the parking of unregistered vehicles. Planning Board to make recommendation to City Council.

- Ms. Vittorios stated that this has been continued.

5.0 NEW BUSINESS

5.1 Site Plan Application for Willard Street, Map 500, Parcel 2, Solar Energy System.

- Mr. Pare made a motion to approve the waiver for a landscape architect. Mr. Perla seconded. Mr. Souza stated yes. Ms. Vittorios stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.
- Mr. Perla made a motion to approve this Site Plan Application for Willard Street, Map 500, Parcel 2, Solar Energy System with the approved waiver, condition that if decibels reach 70 at any abutting property there will be mitigation efforts implemented, all outstanding Department Head comments be addressed, and Ms. Wood to review the property prior to Certificate of Occupancy. Mr. Souza stated yes. Ms. Vittorios stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.

6.0 COMMUNICATIONS

- #### 6.1 City Council Petition 48-22 Peter Angelini, Ward 5 Councilor: Requests to amend the City of Leominster Revised Ordinances Section 12-2 as attached. The amendment will take effect July 1, 2022. Re: To revise the fee schedule in the City of Leominster to begin July 1, 2022 (FY 2023) (Legal Affairs: Regular Course 3/28/2022; Public Hearing 4/11/2022 at



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6:45PM; 2/3 Vote). Planning Board to make a recommendation to the City Council.

- Ms. Wood stated that this is petition set forth by Peter Angelini to revise fees.
- Ms. Wood stated that there were several fee changes, but the ones pertaining to the Planning Board were # 53 & # 58 on page 2.
#53 - Zoning petitions, filing fee - \$250.00 plus reimbursement for all public hearing publications and the cost of certified mail to abutters
#58 - Special permit fees - Water Supply Protection District - \$250 plus reimbursement for all public hearing publications and the cost of certified mail to abutters
- Ms. Vittorioso asked what the filing fee was now.
- Ms. Wood stated she does not know what it is for a Zoning petition, but for the Special Permits she thinks the fee is \$200 and they are requesting for those Special Permits in the Water Supply District to be \$250.
- Mr. Pare stated to the Board that the original fee schedule is provided.
- Ms. Vittorios stated, so it is a \$50 increase for ones that are applicable to us.
- **Mr. Perla made a motion to make a positive recommendation to the City Council. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.**
- Ms. Whitten asked Ms. Wood if she recommended that all of our other Special Permit fees also be increased.
- Ms. Wood stated that it would be more streamlined if all Special Permit fees were \$250.
Mr. Perla made a motion to amend his motion as follows: to make a positive recommendation to the City Council and that all Special Permit fees be increased to \$250 plus reimbursement for all public hearing publications and the cost of certified mail to abutters. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.

6.2 City Council Petition 49-22: Elizabeth Wood (On Behalf of the Planning Board) requests to amend the zoning ordinance pertaining to the Solar Ordinance, Article III Table of Uses and Section 22-104 of zoning, per attached letter. (Legal Affairs; Regular course 3/28/22; Public Hearing 5/9/222 at 6:50 PM; 2/3 Vote). Planning Board to schedule for public hearing.



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- **Mr. Perla made a motion to schedule this Public Hearing on 5/2/22 @ 6:40 p.m. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.**

7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for April 4, 2022

7.1.1 Update on UPWP

- Ms. Wood stated that this proposal we submitted was approved and they will be starting on this, and they will have a conclusion around September.

7.1.2 Zoning Book Updates

- Ms. Wood stated that she was originally under the impression that the changes made to storm water and erosion control were zoning changes, but she confirmed with the City Clerk that they are changes only to the City Ordinance.
- Ms. Wood stated that this happened when she was out and that she thought they should have been in the zoning books, but they do not need to be in our zoning.
- Ms. Wood stated so there are no additional changes needed to the Zoning Books as those amendments do not belong there.
- Ms. Wood stated so we can print the books and have those ready soon.

****Time was now 6:41 p.m., and the Board moved back to the scheduled 6:40 Public Hearing****

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

9.1 The next meeting is currently scheduled for May 2, 2022, at 6:30 PM, at City Hall in the T.A. Conference Room/2nd Floor. Deadline for Application Submittal for this meeting is April 25, 2022 @ noon.

- **Mr. Pare made a motion to adjourn at 7:13 p.m. Mr. Perla seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Perla stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 5-0.**



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