



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>

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**DRAFT MEETING MINUTES
PLANNING BOARD MEETING
MAY 1, 2023 @ 6:30 P.M.**

MEMBERS PRESENT

John Souza, Chairman

Thomas Carignan

Salvatore Ciccone

Patrick Perla

Paul Weizer

Dean Valliere

MEMBERS EXCUSED

Carol Vittorioso, Vice Chair

Jason Pare

Elizabeth Wood, Director

STAFF PRESENT

Stephanie Whitten, Clerk

Notes:

- *Salvatore Ciccone is the acting Chairman for this 5/1/23 Planning Board Meeting.*
- *Scribe for this 5/1/23 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk*
- *John Souza, Chairman, participated remotely via Telephone.*

SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS

6:30 Open Public Meeting for Subdivision Amendments: Per the Suggestion of the DPW

- Mr. Ciccone opened this Open Public Meeting at 6:30 p.m.
- Mr. Ciccone asked Ms. Whitten if this was going to be a petition to the City Council from the Planning Board.
- Ms. Whitten stated no, this is just to update our Subdivision Regulations.
- Ms. Whitten then stated for the record, that Mr. Ciccone is the acting Chairman today and Mr. Souza is on the phone.



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- Mr. Souza stated that these are changes and recommendations from the DPW.
- Mr. Ciccone read all of the changes into the record as such:

Department of Public Works

Proposed Revisions

December 19, 2022

Page 16

Section 8: Definitive Plan

1. Submission of Plan

N. An electronic copy of the plan and all associated documents and reports in digital format.

Explanation: Require digital submission documents.

Page 24

2. Street Trees:

- (a) *The subdivider is required to plant suitable broadleaved deciduous trees along roads or ways **outside** of the roadway and the sidewalk, unless specifically exempted by the Board.*

Explanation: Remove grass strip between road and sidewalk.

Page 27

2. Cul-de-sac Plantings. *The central radius of a permanent dead-end street shall be a 10 foot radius with a Treatment BMP per the Massachusetts Stormwater Handbook (i.e. tree box filter, rain garden, etc.)*

Page 29

R.1.A.3.

d) Dead-end streets shall provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet and a property line diameter of at least 100 feet.

Explanation: Reduce impervious area.

Page 30

12. Width



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Minor Street – Traveled Way – 28 Feet

Explanation: This regulation is waived for most subdivisions from 34 feet to 28 feet therefore change traveled way width for a minor street to 28 feet.

Page 32

C) Street Sub-base

2.Commonwealth of Massachusetts Department of Transportation Standard Specifications for Highways and Bridges, as last revised, Section 400, Subsection 401.

Explanation: Reference correction

Page 32

D) Street Base Course

1. Commonwealth of Massachusetts Department of Transportation Standard Specifications for Highways and Bridges, as last revised, Section 400, Subsection 450 and Materials section M3.06.0.

Explanation: Reference correction

Page 32

3) Street Surface

1)in accordance with Subsection 460 and materials section M3.06.0 of the above-given state specification.

Explanation: Reference correction

Page 33

F) Sidewalks

2) Sidewalks shall be not less than five feet in width on collectors and four feet on minor streets and shall be located so that the sidewalk abuts the curbing.

Explanation: Remove grass strip between road and sidewalk.

Page 33

G. Curbing and Shoulders



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2.**Section 500, Subsection 501 of the Department of Transportation Standard Specifications for Highways and Bridges and materials section M3.07.0 and shall.....**

Explanation: Reference correction

Page 33

F) Sidewalks

4) *Preparation of the base shall be accomplished by removing material to a depth of 12 inches below finished design grade.*

5) ***Forms shall be set to graded, then install an 8-inch gravel base and a 4-inch thickness of Class A Concrete shall be placed, except at driveways where increased thickness and reinforcement shall be used. Refer to the Department of Public Works Engineering Details.***

The Department of Public Works (DPW) installs Class A Concrete when performing sidewalk installation in the City. Therefore the DPW highly recommends that Class A Concrete be installed for all new subdivision roadways.

Page 33

G. Curbing and Shoulders

1. ***Curbing shall be installed along the edge of each roadway in all streets. Granite curbing shall be installed at the roadway entrance radii, all cul-de-sac radii and adjacent to the new sidewalk.***

The Department of Public Works (DPW) installs Granite Curbing when performing sidewalk installation in the City. Therefore the DPW highly recommends that Granite Curbing be installed for all new subdivision roadways.

Page 34

G. Curbing and Shoulders

2.

(a)..... Section 500, Subsection 501 of the Department of Transportation Standard Specifications for Highways and Bridges and materials section M9.04.1 and shall

Explanation: Reference correction



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Page 34

H. Grass Strip

1) Grass strips shall be provided on each side of the roadway **outside** the roadway and the sidewalk on the side of the street to the street sideline. Where no sidewalk is to be installed, the grass strip shall extend between the roadway and the street sideline.

(Remove remainder of section)

Explanation: Remove grass strip between road and sidewalk.

Page 38

Add to Section 9.R.14.M.

11. A common force main sewer system shall be located outside of the proposed right-of-way in a sewer easement to be held by a Home Owner's Association.

Page 39

4. The proposed subdivision shall not increase the rates, **volumes**, concentration or velocity of runoff

Explanation: The applicant should control the volume of runoff as well as the other factors from leaving their site. When performing hydrologic calculations, the rate of runoff for the post development conditions can be maintained at or below the pre-development conditions but their can still be an increase in the volume of runoff therefore causing an increase in the volume of stormwater runoff leaving the site onto abutting properties. Instituting this requirement will typically increase the size of the detention basin in order to keep the volume of runoff for the post development conditions at or below pre-development conditions.

Page 39

(Add to end of paragraph)

5.DEP Stormwater Management Standards **and City of Leominster Zoning Ordinance Article XI, Section 22-60.**

Explanation: Add in reference to the required Deep Hole Testing at the detention basin specified in the zoning ordinance.

Page 49

19. A copy of the NPDES **Stormwater Pollution Prevention Plan (SWPPP)** and permit, if applicable, for construction.....



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Explanation: Clarify the specific plan required by the NPDES permit.

Page 63

Section J. Procedures for full release of Performance Guarantee

- 1) *The subdivider may, upon completion and installation of required improvement in a subdivision, **the completion of record plans and street acceptance plans submitted to the Department of Public Works in hard copy and digital format**, as specified in these rules and regulations, and the*

Explanation: Require digital documents.

Page 67

Add to Section 14.0.

5. *Functional integrity of all parts of the **water, sewer and drainage systems.***

Explanation: Include the water and sewer system.

Check reference to State Sanitary Code with the Board of Health. This reference may have changed.

- Ms. Whitten stated that there was one more section they would like revised that was in relation to the Board of Health received via an email dated 3/7/23.
- Mr. Ciccone read that into the record as such:

The revised reference on Page 67,

Section O

c) The Board shall obtain in writing from the Board of Health a statement that each on-lot sewerage system was installed in accordance with the Leominster Board of Health Regulations for On-Site Sewage Treatment and Disposal Systems and the Department of Environmental Protection, 310 CMR 15.00 – State Environmental Code, Title 5 and that each on-lot water system was installed in accordance with the Leominster Board of Health Regulations for Development and use of Private and Semi-Public Water Supply Wells.



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This reference is for Subdivisions located in areas of the City that do not have access to the City Sewer or Water Systems.

- Mr. Ciccone stated that we discussed these already and asked if the Board had any additional comments.
 - o No comments were received.
- Mr. Ciccone opened this Open Public Meeting to the audience at 6:40 p.m.
 - o No comments were received.
- Mr. Souza asked if we have any additional discussion on these items.
- Mr. Ciccone stated that they do not because we covered a lot of this in depth in previous meetings.
- **Mr. Weizer made a motion to close this 6:30 p.m. Open Public Meeting for Subdivision Amendments: Per the Suggestion of the DPW. Mr. Perla seconded. Roll Call Vote was taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.**

6:35 Continued Open Public Meeting for Site Plan Application for 10 Jungle Road, Map 300, Parcel 13A, Bank with drive-thru, Restaurant with drive-thru, and retail

- Mr. Ciccone opened this Continued Open Public Meeting at 6:42 p.m.
- Ms. Whitten let the Board know that they had a deadline to submit the stripping plan by Monday at noon and it was not received until Wednesday, and we just received the hard copies today.
- Ms. Whitten stated that the Board, the Police Department, and the DPW has not reviewed them as of yet.
- Ms. Whitten stated that it is up to the Board if they want to take this information in now or continue this to the next meeting.
- Mr. Ciccone stated that we have to have ample time to review the information.
- Mr. Perla pointed out that Jason and Carol were here at the last meeting and are not here today.
- Mr. Souza stated that we did not get the opportunity to look at the documents and we can not accept them.
- Mr. Weizer stated that we should continue this.
- Mr. Souza stated that we should continue this.
- **Mr. Weizer made a motion to continue this 6:35 Continued Open Public Meeting for Site Plan Application for 10 Jungle Road, Map 300, Parcel 13A, Bank with drive-thru, Restaurant with drive-thru, and retail to 5/15/23 @ 6:30 p.m. Roll Call Vote was**



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taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.

REGULAR MEETING

1.0 CALL TO ORDER

- Call to Order was done at 6:45 p.m. Roll Call Vote was taken. Mr. Souza stated here. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated here. Mr. Weizer stated here. Mr. Perla stated here. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated here. Mr. Carignan stated here. 6 Planning Board Members were in attendance.

2.0 MINUTES OF PREVIOUS MEETINGS

2.1 March 6, 2023

- Mr. Weizer made a motion to accept these minutes. Mr. Perla seconded. Roll Call Vote was taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.

2.2 March 20, 2023

- Mr. Weizer made a motion to accept these minutes. Mr. Perla seconded. Roll Call Vote was taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.

3.0 PLANS SUBMITTED

3.1 None

4.0 OLD BUSINESS



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4.1 Site Plan Application for 10 Jungle Road, Map 300, Parcel 13A, Bank with drive-thru, Restaurant with drive-thru, and retail

- This was continued to 5/15/23 @ 6:30 p.m.

5.0 NEW BUSINESS

5.1 Subdivision Amendments: Per the Suggestion of the DPW

- Mr. Weizer made a motion for Ms. Wood to update our Subdivisions Regulations for all changes recommended by the DPW and a copy to be provided to the City Council. Mr. Perla seconded. Roll Call Vote was taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.

6.0 COMMUNICATIONS

6.1 Plan of Land Orchard Hill Park Drive Extension. *Planning Board to review proposal to discontinue a portion of Pioneer Drive Extension as a public way and to make a recommendation to City Council.*

- Mr. Ciccone read the letter received on 4/22/23 from the Mayor as such:

Dear Elizabeth,

Attached is the petition I will be submitting to the Leominster City Council for approval. The petition is regarding a small parcel of land located at Orchard Hill Park that will not be used in the current road extension project. The developer has requested that this parcel be returned to him since it will not be used in the build out of the road.

KP Law has approved this petition and advised us that the petition should have a recommendation from the Planning Board prior to submission to the City Council.

Thank you for your consideration of this petition. If you have any questions, please do not hesitate to contact me.

- Mr. Ciccone stated that we had this in front of us at the last meeting or the meeting before.
- Mr. Ciccone stated that it is all not being used and he is petitioning to pull that one little section of land out.



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- Mr. Ciccone asked if we had anyone here to talk about this.
 - There was no one in the audience.
- Mr. Ciccone stated that it is really straight forward.
- Mr. Weizer stated that KP Law has reviewed this.
- Mr. Souza stated that as part of the original deal Mr. Lisciotti donated the land for the new road and in doing that cut across part of the old Pioneer Drive.
- Mr. Souza stated that so all this is doing is returning land back to him that he donated to the City.
- Mr. Ciccone stated that it is pretty simple.
- **Mr. Souza made a motion for a positive recommendation to the City Council. Mr. Weizer seconded. Roll Call Vote was taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.**

6.2 Day Street Subdivision, Sawyer Way, New England Land Co. –*Director to provide updates*

- Mr. Ciccone asked if we sent the letter.
- Ms. Whitten stated that Ms. Vittorioso has reviewed the letter and that right now it is in the lawyer's hands for the claim on the subdivision bond.
- Ms. Whitten stated that it is the works of being drafted and once it is sent, they have 10 days to comply.
- Mr. Ciccone asked if after that 10 days if we can start legally start maneuvering from there.
- Ms. Whitten stated that we will be working with KP Law on that.
- Ms. Whitten stated that Ms. Vittorioso specifically asked KP if we do not get a response to the letter what do we do then, but we have not heard back from KP what that answer is yet.
- Mr. Souza stated that the City Solicitor has stated that they accept the road before they do the work, but on the other hand we cannot accept the road if it is not complete.
- Mr. Souza stated that if they don't answer the letter by the specified time, what he has requested is that himself and anybody else that is interested sit down with the City Solicitor to discuss it.
- Mr. Souza stated that they have hundreds of roads in the City that work should be done, and the City cannot accept them unless they are done.



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- Mr. Souza stated that we are going to have to change our rules as something has to change as it is a real problem.
- Mr. Ciccone stated that something drastic needs to be done for this.
- Mr. Ciccone stated that as far as he is concerned all of them should be accepted by the City and then however they are upgraded they are upgraded.
- Mr. Carignan asked if we have enough money in this bond.
- Mr. Ciccone stated no we are still 100k short.
- Mr. Ciccone asked an audience member, Carolyn Depesquale, a resident of Sawyer Way, if she had sent all of her information to Ms. Vittorioso.
- Ms. Depesquale stated that she provided what she had to Ms. Wood.
- Ms. Whitten stated that Ms. Wood provided that information when they had their discussion with the City Solicitor.
- Ms. Whitten stated they have taken the step to get the ball rolling, but in the long term we need to figure out a solution.
- Ms. Whitten stated that if they come back with no response to the letter, we will get the City Solicitors' opinion on what we do from there and we have to take it step by step to make sure we are following everything correctly.
- Mr. Ciccone asked if we would have any updates at the next meeting.
- Mr. Carignan asked if the original developer is dead.
- Mr. Weizer stated that he thinks they have incorporated into something else.
- Ms. Depesquale stated that it looks like he is still around, but what it looks like he does is buys these developments and holds onto it them until he sells all the houses, then he just lets that corporation go and moves onto another one and does another subdivision.
- Ms. Depesquale stated that he has numerous corporations.
- Ms. Depesquale stated that shouldn't be allowed either.
- Mr. Ciccone stated that now everything has changed, they have to give us the money we hold, and we have a different set of controls.
- Mr. Valliere stated on this one we have to get more money.
- Mr. Weizer stated that if he understands correctly, two weeks from now the letter will have been sent.
- Ms. Whitten stated yes.
- Ms. Whitten stated that she does not know if there will be enough time to circle back with the City Solicitor to get updates on the next steps.



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- Ms. Whitten stated that if we have updates, we will put it on the next meeting, if not it will most likely be on the agenda after that.
- Mr. Ciccone stated to the audience that he knows they spend a lot of time here.
- Ms. Whitten stated that you can always contact our office at any time for updates.
- Ms. Depesquale stated that a lot of us are spending a lot of time here because most of us have pets or kids.
- Ms. Depesquale stated that drop off on the side of the road is so dangerous and who is going to be responsible if someone falls off or gets killed or impaled on a broken tree.
- Ms. Depesquale stated that is one of the biggest concerns of everybody.
- Ms. Depesquale stated that it is at the beginning of the road and the kids have to walk by that to get to school.
- Mr. Souza stated that once we get the ok to move forward, we have the \$84k and we prioritize what has to be done first, so if it is the guardrail, we will prioritize that and get it done.
- Ms. Whitten stated that we should probably defer to Ms. Vittorioso on this, because the road is not accepted so we cannot do the work.
- Mr. Ciccone stated to the audience maybe we work with you guys to prioritize what needs to be done.
- Mr. Weizer stated that first we have to get the response on the letter, and we are getting ahead of ourselves.
- Ms. Depesquale noted that the neighbors have been filling in the potholes.
- Mr. Ciccone stated that he does not want to have them come here if there is nothing that has changed.
- Ms. Whitten stated that we will only put it on the agenda if we have any updates and you can always contact the office if you are looking for a current status.

6.3 1771 Lock Drive, Site Plan—*Director to provide updates*

- Ms. Whitten stated that Ms. Wood has been working directly and diligently with the Building Inspector on code enforcement.
- Ms. Whitten stated that on this particular one she spoke with Mr. Niall today and he stated he was going out to do a site visit to check everything today.



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- Ms. Whitten stated that she does not have any additional updates at this time.
- Mr. Ciccone stated he will visit it on his way home.

7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for May 1, 2023

- None

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

9.1 The next meeting is currently scheduled for May 15, 2023, at 6:30 PM, at City Hall in the T.A. Conference Room/2nd Floor. Deadline for Application Submittal for this meeting is May 8, 2023 @ noon.

- **Mr. Carignan made a motion to adjourn at 7:03 p.m. Mr. Valliere seconded. Roll Call Vote was taken. Mr. Souza stated yes. Mr. Pare was not present and Ms. Whitten stated he was absent. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso was not present, and Ms. Whitten stated she was absent. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 6-0. Motion carried.**