



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>

LEOMINSTER CITY CLERK  
2022 MAY 17 PM 12:33

## FINAL MEETING MINUTES PLANNING BOARD MEETING May 2, 2022 @ 6:30 P.M.

### MEMBERS PRESENT

John Souza, Chairman

Paul Weizer

Thomas Carignan

Jason Pare

Pat Perla

Dean Valliere

### MEMBERS EXCUSED

Salvatore Ciccone

Carol Vittorioso, Vice Chair

### STAFF PRESENT

Elizabeth Wood Director

### Notes:

*Mr. Perla presided as the acting Chairman for this 5/2/22 meeting.*

*Scribe for this 5/2/22 Planning Board Meeting: Elizabeth Wood, Planning and Development Director.*

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

As a point of order Ms. Wood stated that in the absence of the Vice Chair, and with the Chairman calling in remote, we need to elect a Chair to preside over the meeting.

**Dean Valliere made a motion that Patrick Perla presided over the meeting. Paul Weizer Seconded. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan,**



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**Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

### **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

Patrick Perla opened the public hearing.

Ms. Wood stated that the applicant provided a letter included in the packet, requesting a 90 day extension to August 12, 2022. The applicant would like the project to be continued to the July 18<sup>th</sup> meeting.

**Mr. Weizer made a motion to continue this hearing till July 18<sup>th</sup>, 2022 at 6:30 PM. Motion was seconded by Tom Carignan. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

### **REGULAR MEETING**

#### **1.0 CALL TO ORDER**

**Mr. Valliere made a motion to go to the regular meeting. Seconded by Mr. Carignan. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

#### **2.0 MINUTES OF PREVIOUS MEETING**

##### **2.1 March 7, 2022**

Ms. Wood stated that the minutes are in the packets. Stephanie did the minutes and Elizabeth reviewed them.

**Mr. Carignan made a motion to accept the meeting minutes. Seconded by Mr. Valliere. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**



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### 3.0 PLANS SUBMITTED

#### 3.1 ANR for 253 & 279 Legate Hill Road, Map 425, Parcels 2 and 7.

Doug Andrysick from Andrysick Land Surveying introduced himself as presenting the ANR, On behalf of Patrick Ware, Phillip Ware, and William Ware. He said the property is on the western side of Legate Hill, just northerly of the Sterling town line. Patrick Ware is the owner of 279 Legate Hill Road, just over an acre of land. Phillip and William Ware own the abutting property at 253 Legate Hill.

Mr. Andrysick stated that Patrick Ware's garage was a little over the lot line in the back, so we are creating Parcel A containing 6,800 sq. ft. that will allow the garage to conform to the building setback requirements. In return we are creating parcel B of the exact same area to be conveyed from Patrick to Phillip and William. So that each lot stays with the exact same area it started with. Patricks lot will have over 175' of frontage. The other big property of 8.4 acres has well over 300' of frontage.

**Mr. Weizer made a motion to endorse the ANR. Mr. Carignan seconded. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

#### 3.2 ANR for Wilder Road, Leominster/1 Crocker Avenue, Lunenburg, MA, Map 418, Parcel 9

Ms. Wood stated there was a memo in the packets that she wrote when she reviewed the original submission of the ANR. There were originally 3 lots presented and one did not have frontage on an approved public way, so I recommended that it be labeled not a buildable lot or that the plan not be endorsed. The applicant is here with a revised plan. What you had online up until this afternoon is a different plan that what was presented in front of you. Mr. Souza has this on his computer and he looked at it before the meeting.

Bill Hannigan, Hannigan Engineering represents the ANR. The original lot was the entire piece. Crocker and Geraldine Avenue are private ways, even though they have pavement. We originally had a lot line coming across this way to create 2 lots here. Because of the status of this road, needing potentially Subdivision review, we decided to keep the frontage on Wilder and create frontage over here for the lot that will be in Lunenburg. The Leominster lot has greater than 80' of frontage and width, so that's conforming in Leominster. In Lunenburg what they allow is a reduced frontage from 100' down to 50' as long as you double the area. Since the house would be built in Lunenburg, we are deriving our frontage from the Public Way in Leominster. It still meets their regulations, but we did add a note per Ms. Wood's request that this is not a buildable lot in Leominster.

Mr. Hannigan said they made a last minute change because the applicant wanted to put his garage building with this lot because if this stuff with Geraldine doesn't happen, he will keep it.



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Mr. Hannigan stated we can come back for Geraldine, basically Lot 1 will be reconfigured. But we would have to go through a subdivision process.

Mr. Perla asked if anyone had any questions.

Mr. Weizer asked Ms. Wood if she was satisfied with the plan.

Ms. Wood stated that as amended she is satisfied with the plan.

**Mr. Weizer made a motion to endorse the ANR. Mr. Carignan seconded. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

Mr. Perla stated, it's now 6:40 PM.

6:40 Public Hearing for City Council Petition #49-22, Re: Solar Ordinance, Article III Table of Uses and Section 22-104.

**Mr. Valliere made a motion to return to the Public Hearing Portion of the meeting. Mr. Carignan seconded. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

Ms. Wood stated that in the packets the Board has a petition that was sent to City Council. It is as the Board recommended. There are no changes since the Board reviewed it last. Now the City Council has referred it back to us. We have advertised in the newspaper for the hearing. If there are any further comments I will relay them to City Council.

Mr. Perla stated as there is no one in the audience, does anyone from the Board have any comments?

Mr. Weizer stated, thank you for working on this.

Mr. Perla stated that this went well with the City Council.

Mr. Valliere pointed out a typo in the draft ordinance. "B" Should read "be" under Page, 2, 3f.

Ms. Wood stated ok.

Mr. Perla stated, excellent catch.



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Mr. Perla asked if anyone in the audience wants to make any comments.

**Mr. Weizer moved to close the public hearing. Mr. Pare seconded. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

#### **4.0 OLD BUSINESS**

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

Mr. Perla stated we are moving back to the Regular meeting.

Mr. Perla noted that the Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant item was moved to 6:30 on July 18<sup>th</sup>.

#### **5.0 NEW BUSINESS**

##### **5.1 City Council Petition #49-22, Re: Solar Ordinance, Article III Table of Uses and Section 22-104. *Planning Board to make recommendation to City Council.***

**Mr. Weizer made to recommend approval to City Council with the stated amendment. Mr. Pare seconded. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

#### **6.0 COMMUNICATIONS**

##### **6.1 Fee Schedule for Special Permits. *Planning Board to take a vote as to a date certain for fee increase.***

Ms. Wood stated that in your packet you have a memo that was sent to City Council in regards to fee schedules. The petition from city council recommended the increase. The Board recommended that if you are going to increase the fee for one type of Special Permit, we do it for all special permits. We got a legal opinion on this and the legal opinion stated that it was the Board's authority to increase the fees; however, City council could change as well. Just to make sure all bases are covered, we have it on the agenda tonight and would like a vote to increase all Special Permit fees from \$200 to \$250.

Ms. Wood stated that she did notify the Mayor of this proposal. He did not have comment.

Mr. Souza stated he had a question. He asked if the fees included advertising and everything else.

Ms. Wood stated that it should be \$250 plus the advertising fee. We are keeping that.



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Mr. Weizer. Asked I July 1<sup>st</sup> would be the correct date for the fee increase.

Ms. Wood stated she wrote the City Clerks office to ask when they should do the fee increase and she did not get a response. Maybe we should say that we make the motion concurrent with City Council or if we say July 1st.

Mr. Perla stated that July 1<sup>st</sup> is the beginning of a new fiscal year anyway.

Mr. Wood stated, that that is her letter was to the Clerk, proposing July 1<sup>st</sup>.

**Mr. Weizer made a motion to approve the fee increase effective July 1, 2022. Seconded by Mr. Pare. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, Yes; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 6-0.**

### **7.0 DIRECTOR'S REPORT**

#### **7.1 Planning & Development Directors Report for May 2, 2022**

##### **7.1.1 Ethics, Tom Carignan and John Souza need to submit certificate.**

Ms. Wood stated that she is going to publicize that we need ethics certificates from Mr. Souza and Mr. Carignan.

We already have submissions in for the next agenda. I got a letter from Lunenberg that they are proposing a development on Crawford Avenue by the airport. It was quite a large building that they are proposing and I didn't know if this board would like to ask for traffic counts or otherwise. It's on the Fitchburg/Lunenberg line.

Mr. Pare pulled up a map to demonstrate where the location is.

Mr. Perla stated, sure, they would like to comment on the proposal.

Ms. Wood stated that is all she had.

### **8.0 EXECUTIVE SESSION**

#### **8.1 None**

### **9.0 ADJOURN**

#### **9.1 The next meeting is currently scheduled for May 16, 2022, at 6:30 PM, at City Hall in the T.A. Conference Room/2<sup>nd</sup> Floor. Deadline for Application Submittal for this meeting is May 9, 2022 @ noon.**



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**Mr. Carignan made a motion to adjourn the meeting. Seconded by Mr. Weizer. Roll call vote: Paul Weizer, Yes; Dean Valliere, Yes; Pat Perla, Yes; Tom Carignan, Yes, Jason Pare, Yes; John Souza, No; Carol Vittorioso, Excused; Sal Ciccone, Excused. The motion passed 5-1.**

