



John Souza
Chairperson

Carol Vittorioso
Vice Chairperson

Office of The Planning Board
City of Leominster, Massachusetts
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MEETING MINUTES PLANNING BOARD MEETING MAY 15, 2023 @ 6:30 P.M.

MEMBERS PRESENT

John Souza, Chairman
Carol Vittorioso, Vice Chair
Salvatore Ciccone
Patrick Perla
Paul Weizer
Dean Valliere
Jason Pare

MEMBERS EXCUSED

Thomas Carignan

STAFF PRESENT

Stephanie Whitten, Clerk
Elizabeth Wood, Director

Notes:

- Scribe for this 5/15/23 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk

SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS

- 6:30 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. Souza opened this Continued Open Public Meeting at 6:30 p.m.
 - The representative for this application is Josh Kline, from Stonefield Engineering and Design.



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- Ms. Whitten advised the Board that at the last meeting the striping plan was not submitted in time to be reviewed by all City Departments, which now can be reviewed at tonight's meeting.
- Ms. Whitten stated that they also submitted additional documentation for this meeting but not by the stated deadlines and wanted to let the Board know.
- Mr. Souza stated that we will be able to look at the striping plan, but we are still awaiting comments from the Police Department.
- Mr. Kline stated that he is a licensed professional engineer and a partner at the firm from their Salem office.
- Mr. Kline stated that they are here to talk about this application as a whole as well as one of the bigger topics, the roadway striping plan.
- Mr. Kline stated that they did receive an email comment about adding a ramp and asked if that was not from the Police Department.
- Ms. Whitten stated that was the DPW comment.
- Mr. Kline stated that they came up with this plan with the Police Department and did reach out to them prior to this meeting.
- Mr. Kline stated that he is happy to go through this plan and a suggestion that they would like to make is that they can work with the Lieutenant on a solution to allow us to move forward instead of having us have to wait until each meeting.
- Mr. Kline stated that obviously if we cannot come to an agreement with the Lieutenant then we have to come back to the Board regardless, and that is just a suggestion.
- Mr. Kline displayed the stripping plan on the project board for the Board to review.
- Mr. Kline stated that he has been to the site and is sure everyone has been to the site.
- Mr. Kline stated that the focus is at the intersection and stated that their site is two lots away from this interaction.
- Mr. Kline stated that this is a high-capacity intersection.
- Mr. Kline stated that things are dated, and the striping has faded and is not helping drivers.
- Mr. Kline stated that the focus here was to help with the alignments and increase site distances.
- Mr. Kline stated that what we looked to do was move the stop bar which creates a better site line with the Walmart driveway.
- Mr. Kline stated that they are looking to extend the island and to create guidelines that help vehicles.
- Mr. Kline stated that these are all ways to help make this a safe intersection.



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- Mr. Kline stated that the next thing we looked at was closer to where our proposed driveway is and stated there is a proposed crosswalk.
- Mr. Kline stated that they do not anticipate that this is going to be a highly used crosswalk, but what it does is provide a nice traffic calming measure.
- Mr. Kline stated that those were the two areas of concern discussed with the Police Department.
- Mr. Kline stated that he did speak to the client, and they had no issues with adding an additional ramp as well.
- Mr. Souza asked if there was a sidewalk that matches up on the plan.
- Mr. Kline stated that they currently do not have a sidewalk on their plan.
- Mr. Kline stated that there is an asphalt sidewalk along the right of way.
- Mr. Weizer stated that when we last heard from your company the issue was that we asked for a traffic study, and he did not hear Mr. Kline mention anything about that and was just curious as to where that was.
- Mr. Weizer also asked Mr. Kline to show him what is different on the plan for striping, is this just putting down lines that are not clear, as he does not see a change on those drawings.
- Mr. Kline stated that we did submit a Traffic Assessment Report and asked if he got a copy of that.
- Mr. Kline stated that is a Trip Generation Analysis.
- Mr. Souza stated that we got that.
- Mr. Weizer stated that is based out of a book, it is not based on actual traffic at the site.
- Mr. Weizer stated that is totally insufficient and he made that very clear at the last meeting.
- Mr. Kline stated that in that report we do not believe that the project generates enough traffic to trigger a study.
- Mr. Weizer stated that he believes it does because your peak hours are not the peak hours that are there.
- Mr. Weizer stated that you are not just going to get traffic coming across the street from Walmart, you are going to be busy at 7 o'clock in the morning and they have nobody there at 7 o'clock.
- Mr. Weizer stated that it was not realistic, that is why we asked for the study.
- Mr. Kline stated that it is their opinion that the design of this project is going to be safe and the improvements here are making it better.
- Mr. Weizer stated that even though we stopped at the last meeting and stated that we want a traffic study you are coming back stating that you are not going to get one.



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- Mr. Kline asked if it is the Board's opinion that a Traffic Impact Statement is required.
- Mr. Weizer stated that's where we stopped at the last meeting and that's what the Police Department asked for.
- Mr. Souza stated that that traffic routes all the current traffic from Walmart and that was a Walmart design and questioned if it should it be redesigned.
- Mr. Kline stated that if the Board requires a Traffic Impact Study it is news to him, and he was not made aware of that.
- Mr. Kline stated that they have looked at the signal and this is a high-capacity signal.
- Mr. Kline stated that this roadway does not see the amount of volumes that this signal is designed to take on.
- Mr. Kline stated that he thinks ultimately, we will be in the same position 2 or 3 months from now.
- Mr. Souza stated that his problem is not the signal, the problem is the intersection.
- Mr. Souza stated that right now ninety percent of the traffic comes in and makes that right turn into Walmart.
- Mr. Souza stated that when you come in that flow of traffic is now going to be redirected, so is there a better way of doing that, and we do not know that answer.
- Mr. Kline stated that before we do a Traffic Impact Study this is what it would lead us to.
- Mr. Souza also asked if there should be an island there so that the people cannot cross.
- Mr. Souza stated that striping goes away when it gets worn out.
- Mr. Souza stated that those are things that we do not have answers to.
- Mr. Pare stated that in addition to what is going on at the top of the map, on the bottom left of the map is Old Mill Road that he thinks his colleagues are concerned with.
- Mr. Pare stated that now it is 7 o'clock in the morning and everyone in town has a new reason to come down Old Mill Road to hit Starbucks before they get on the highway to go to work.
- Mr. Pare stated that is a small one lane road.
- Mr. Weizer stated that mind you there are 247 houses there.
- Mr. Souza stated that people coming from the southside of town will now come down Old Mill Road to hit these buildings.
- Mr. Souza stated it will be half a mile shorter.



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- Mr. Souza stated that there is going to be a fair amount of people making a right-hand turn into your place.
- Mr. Pare stated that we know that the other Starbucks in town has other cars lined up around the building.
- Mr. Kline stated that is what you are seeing on site.
- Mr. Kline stated that he thinks this is a great queuing plan.
- Mr. Ciccone asked if the Police wanted to do a traffic study.
- Mr. Weizer stated that it does not seem that you got our notes from the last meeting as we did not have concerns with the site itself, it was getting to and from it, and he is not sure where the disconnect was.
- Ms. Whitten stated that at the meeting before the last meeting we left it as to come up with possible solutions with the Police Department and a striping plan was what was agreed upon.
- Ms. Whitten stated that then the applicant was to come back and present that striping plan and if it did not meet the requirements of the Board, then a traffic study could be deemed warranted.
- Ms. Whitten stated that as of right now the Police Department has not commented either way on the review of the striping plan.
- Mr. Ciccone read the Police Departments comments that were received for the first round as such: *On review I have safety concerns with the Intersection on Jungle Road where it meets the shared driveway and the Walmart Driveway. The increased traffic at that intersection with turning vehicles will increase the potential for crashes. There are factories further up Jungle Road along with a quarry which causes heavy truck traffic to pass by. I am not trying to cancel or delay the project; I feel an independent Traffic Study that focuses on the parking lot intersection with Jungle Road with the idea of crash mitigation is warranted.*
- Mr. Kline stated that the opinion of what we are getting tonight is much different of where we left off at the last meeting, it happens.
- Mr. Kline stated that he thinks this is a great opportunity and this is the area where you want this project.
- Mr. Souza stated that we agree and we have no issue with that.
- Mr. Souza stated that the issue is the traffic.
- Mr. Souza stated that he does not think there is much we can do with Old Mill Road.
- Mr. Souza stated that you have a crosswalk that goes nowhere, it least has to go to a sidewalk, because you have traffic going in and out.
- Mr. Souza stated that maybe the hard left turn still has to be reconfigured a little bit different.



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- Mr. Souza stated that he does not think that the striping is adequate so something else has to be done.
- Mr. Souza stated that our concerns are with traffic.
- Mr. Souza stated that the intersection was designed 20 years ago to be a high traffic intersection and that has not changed, it is off the intersection where our problem is.
- Mr. Kline stated that they only have so much time and we want to be as effective with the Board's time and what would be the most appropriate next step.
- Mr. Ciccone stated that they need to talk to the Police Department as they may have ideas to mitigate or calm the area as well.
- Mr. Ciccone stated that he agrees that striping wears out.
- Mr. Ciccone stated that the difference is that you are going to restripe where the intersection and further it.
- Mr. Kline stated that is correct.
- Mr. Weizer stated there are two lanes coming in and they both go into the Walmart lot.
- Mr. Kline stated no, we created a new line cross to the left down Jungle Road.
- Mr. Kline stated that they have also extended the painted island further out.
- Mr. Weizer asked if the left lane is going to now be a left turn only.
- Mr. Kline stated that it can be a straight or a left.
- Mr. Weizer stated that is there going to be some type of an arrow or indication of that.
- Mr. Kline stated that having arrows there is totally acceptable.
- Mr. Kline stated that there are no arrows currently shown on the plan, but they can do that.
- Mr. Weizer stated that would help a lot.
- Mr. Souza stated that there is a request from the Planning Board and the Police Department for a Traffic Study.
- Mr. Souza stated that we have not got a formal report back from the Police Department and we cannot really do much without that formal report.
- Mr. Souza stated that the only other thing was the addition of a sidewalk.
- Mr. Souza stated that the other issue was that the information you provided did not make the deadline that you were notified of and at a lot of other places you would not even be here talking tonight.
- Mr. Kline stated that this plan met tonight's deadline.
- Ms. Whitten stated that the striping plan did.
- Mr. Souza stated but the rest of the information did not.
- Mr. Souza asked how long it will take to do a Traffic Study.



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- Mr. Kline stated that it could take 8 to 12 weeks.
- Mr. Weizer stated that I assume it could take less than that too.
- Ms. Vittorioso asked if the Police Department was satisfied with these modifications.
- Mr. Kline stated no we were hoping that answer for this meeting, but they did not get back in time.
- Ms. Vittorioso stated that she does not want them to go through a Traffic Study and then the Police Department states yes, this plan is good.
- Ms. Vittorioso stated that she knows they are not independent but at the same time the petitioner has hired these civil engineers who are experts and after conversations with our Department Heads they made revisions.
- Mr. Souza asked if they wanted to leave it up to the Police Department.
- Mr. Weizer stated no, all you are doing is pushing it out 2 weeks and I am going to still want a Traffic Study.
- Mr. Souza stated that if the Police Department states that they are happy with what they got and the results, they are the Traffic Department, I'd agree with them, but at this point I do not know.
- Mr. Souza stated that he does not have the information from them so he cannot make an intelligent decision.
- Mr. Ciccone thinks that they should work with the Police Department.
- Mr. Ciccone stated that another change was pushing up the stop lines.
- Mr. Kline stated that site lines are very important.
- Mr. Souza stated you can work with the Police Department and get a concise report.
- Mr. Souza stated he will go with the Police Department.
- Mr. Kline stated that he will ensure that when they come back, we have decision made with them.
- Mr. Souza asked Ms. Wood to make a request that a representative from the Police Department come to the next meeting.
- Mr. Kline stated that he appreciates it and that he will do his homework and get this thing in a better place for everyone.
- Mr. Souza opened this Continued Open Public Meeting to the audience.
 - o No further comments were received from the audience.
- Mr. Souza stated that we need a recommendation from the Police Department.
- **Mr. Weizer made a motion to continue this 6:30 p.m. 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 6/5/23 @ 6:30 p.m. Mr. Perla seconded. Vote 7-0. Motion carried.**



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REGULAR MEETING

1.0 CALL TO ORDER

- **Call to Order was done at 6:59 p.m. Roll Call Vote was taken. Mr. Souza stated here. Mr. Pare stated here. Mr. Ciccone stated here. Mr. Weizer stated here. Mr. Perla stated here. Ms. Vittoriosio stated here. Mr. Valliere stated here. Mr. Carignan was not present, and Ms. Wood stated excused. 7 Planning Board Members were in attendance.**

2.0 MINUTES OF PREVIOUS MEETINGS

2.1 April 3, 2023

- **Mr. Ciccone made a motion to accept these minutes. Mr. Pare seconded. Vote 7-0. Motion carried.**

3.0 PLANS SUBMITTED

3.1 ANR for 1012 Pleasant Street, Map 381, Parcels 2D, 2E, and 9

- Ms. Wood stated that on her memo there were 3 recommendations for compliance with the Subdivision Regulations.
- Mr. Souza asked if there was a right of way for this property.
- The applicant, Susan Kobus, stated no.
- Ms. Vittoriosio made a motion to waive 5G.
- Ms. Vittoriosio made a motion to endorse that they make those Subdivision Regulation updates.
- Mr. Ciccone stated that he thinks it is fine the way it is.
- Mr. Weizer stated that he does not think they need to revise the locus map.
- **Mr. Ciccone made a motion to waive the below 3 Subdivision Regulations from Ms. Wood's memo. Mr. Weizer seconded. Vote 7-0. Motion carried.**
 - 1. Per Section 5 G, Indicated the names of abutters from the latest available Assessor's records. This includes abutters across the street from Pleasant Street.**
 - 2. Per Section 5 I, indicate the front, side, and rear yard setbacks of all existing buildings, including the house on Parcel 2D and barn on Parcel 9.**



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3. Per Section K, Include a locus map at one thousand (1,000) feet to the inch showing relationship of the parcel to the intersections of two or more public roadways. The locus map provided is not to the scale required.
- Mr. Ciccone made a motion to endorse this ANR with the waivers above. Mr. Weizer seconded. Vote 7-0. Motion carried.
- 3.2 ANR for 143, 150, and 178 Joslin Street, Map 576 Parcel 6, and Map 577 Parcels 10-11
- Steve Ballard from Haley Ward is the representative for this application.
 - Mr. Ballard stated that the applicant owns both sides of Joslin Street.
 - Mr. Ballard stated that as part of their agreement there are 2 one-acre parcels.
 - Mr. Ballard stated that we are just separating them out.
 - Mr. Ballard stated that they are creating lot 1 and lot 2.
 - Mr. Ballard stated that because the parcels are so big, he requested a waiver from showing the abutters on the plan.
 - Ms. Vittorioso made a motion to waive the abutters list. Mr. Weizer seconded. Vote 7-0. Motion carried.
 - Ms. Vittorioso made a motion to endorse this ANR with the waiver above. Mr. Weizer seconded. Vote 7-0. Motion carried.
- 3.3 Site Plan Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility
- Mr. Weizer made a motion to schedule this application for 6:30 p.m. on 6/19/23. Ms. Vittorioso seconded. Vote 7-0. Motion carried.
- 3.4 Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility
- Mr. Weizer made a motion to schedule this application for 6:31 p.m. on 6/19/23. Ms. Vittorioso seconded. Vote 7-0. Motion carried.
- 3.5 Site Plan Application for Brooks Pond, Map 317, Parcel 9A, Independent living facility
- Mr. Ciccone made a motion to schedule this application for 6:38 p.m. on 6/19/23. Mr. Pare seconded. Vote 7-0. Motion carried.



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3.6 Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility

- Mr. Ciccone made a motion to schedule this application for 6:40 p.m. on 6/19/23. Mr. Pare seconded. Vote 7-0. Motion carried.

4.0 OLD BUSINESS

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 6/5/23 @ 6:30 p.m.

5.0 NEW BUSINESS

5.1 None

6.0 COMMUNICATIONS

6.1 Appointment of Chair and Vice Chair - *Planning Board to vote to make appointments for 2023.*

- Mr. Ciccone made a motion to nominate John Souza as Chair. Ms. Vittorioso seconded.
- Mr. Souza accepts.
- No other nominations were received.
- The vote was taken. Vote 7-0. Motion carried.
- Mr. Weizer made a motion to nominate Carol Vittorioso as Vice Chair. Mr. Ciccone seconded.
- Ms. Vittorioso accepts.
- No other nominations were received.
- The vote was taken. Vote 7-0. Motion carried.

6.2 Pierce Street Definitive Subdivision: Procedural waivers-*Planning Board to consider waiver requests.*

- Mr. Souza stated that in our Subdivision Regulations we have a time definite when the mylars and documentation have to be completed within a six-month period.
- Mr. Souza stated that did not happen.
- Mr. Souza stated that we had a number of communications with the engineer but not with the property owner.
- Mr. Souza stated that he is making a recommendation that we give them a deviation from the Subdivision Regulations to allow another "x" amount of time, whether it be another month or two months.



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- Mr. Souza stated that he has a representative here.
- Gayle Sabol, one of the the applicants, stated that she has the Mylars here from Haley Ward, and they were submitted back in January.
- Mr. Souza stated that there was some other documentation that was also required, not just the Mylar.
- Mr. Souza stated that a covenant agreement and an HOA were required.
- Mr. Souza stated that we have a sample you can copy.
- Ms. Sabol asked if that would be something we would we do.
- Mr. Souza stated that at this point you would do it, it would be between you and the developer.
- Mr. Souza stated that what this does is that in the future it ensures that the City is covered.
- Mr. Souza stated that we have had a lot of issues with detention basins.
- Mr. Souza stated that by having a homeowner's association it means that all of the people in that association are responsible.
- Mr. Weizer stated that if he is reading this correctly, we asked for a legal opinion and our City Solicitor stated that we do not have the power to do this.
- Mr. Souza stated that they called legal counsel on a separate phone call.
- Mr. Souza stated that in our Subdivision Regulations the Planning Board has the right to do this.
- Mr. Weizer stated that is not what is in writing.
- Ms. Wood stated that she was with Mr. Souza when he made the call and she said we are stretching the elastic, but we can do it.
- Mr. Souza stated that we are going to give them a time definite.
- Mr. Weizer stated he is not giving any judgement on the merits; he is just asking for clarification.
- Mr. Weizer stated that if we do this and stretch the elastic that is now the policy for everybody.
- Mr. Souza stated no.
- Mr. Weizer stated then how do we differentiate.
- Mr. Souza stated that he talked to legal counsel, and they stated that if this was an ordinance issue, we could not do this.
- Mr. Souza stated that because the Subdivision Regulations are Planning Board Subdivision Regulations, we can in fact change or amend our own regulations.
- Mr. Souza stated that it is a temporary thing and she allowed us to do it.



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- Mr. Souza stated that other than that this whole thing has to go back to square one.
- Mr. Weizer stated so then we can change it or amend it for one time or one time only.
- Mr. Souza stated yes, it is an individual issue, and it does not become standard.
- Mr. Souza stated that we have the Mylar, and it is just this other documentation.
- Ms. Sabol stated that her understanding was once we submitted the Mylars which she thinks were given in January then we had 6 months to wrap things up with the builder and the developer with the conditions.
- Ms. Sabol stated that there was miscommunication and then suddenly she got a notice stating that this was expired, and we had to start all over.
- Mr. Souza stated that we want to work with you, and you have given us the Mylar, but we still do need that other paperwork and that was part of the letter.
- Mr. Souza stated that you should be able to do that all within a week.
- Mr. Souza stated that we have a HOA for Willard Street that we can give to you, and you can update for your information, and you can take that and submit it to us.
- Mr. Souza stated that if down the road you state that you really do not like how this was written you can rewrite it and resubmit another one.
- Mr. Weizer stated to Mr. Souza that it is not as easy as you are making that out to be, it is not easy to change the HOA.
- Mr. Souza stated that it is not, but they have to do the agreement.
- Mr. Ciccone asked if that was the only thing missing.
- Ms. Wood stated that we need all of the items in the email dated 1/26/23.
- Mr. Ciccone read the items needed as such:
 - *Verification from the Veterans Affairs Department that the street name has been approved.*
 - *Open Space Covenant*
 - *Homeowners Association Document*
 - *Form E Covenant completed.*
 - *Deeds to the lots provided.*
- Ms. Sabol stated that we have not created the lots yet so how to we do the deeds.
- Mr. Souza stated that it would be a deed for the entire property then we would use that.



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- Mr. Souza stated that we would just hold it and then later on we would create the actual lots.
- Mr. Souza stated that when you create the actual lots you can amend it.
- Mr. Souza stated that the amendments come back through us.
- Mr. Souza stated that is all part of your covenant.
- Mr. Souza stated that when you put in your basic road and whatever is required sewerage or sidewalks, then we say ok we will release the first 3 or 5 lots and you can start building.
- Mr. Souza stated that then you will get to the last 2 lots and at that point we will need a passbook account which is held by the Treasurer.
- Mr. Souza stated that then we have an engineer advise how much money it will cost to finish the project and then we have a cash account to cover that amount.
- Mr. Souza stated that if it gets done then you get your money back and if it does not get done then the City uses the money to finish everything.
- Ms. Sabol asked for a copy of the homeowner's covenant.
- Ms. Wood stated the one on Willard Street, ok.
- Mr. Souza stated that it is similar.
- Ms. Sabol stated we need a deed to the whole property, covenant and is there anything else.
- Ms. Whitten stated that it was in the list Ms. Wood provided to you and we had sent that list to the engineer and followed up 3 times and we never heard back from the engineer.
- Ms. Wood asked the Board if we had a time definite.
- Ms. Wood advised Ms. Sabol to keep the Mylars and submit everything all at once.
- Mr. Souza asked Ms. Sabol what she thinks on how long it will take her to get this done.
- Ms. Sabol stated that it sounds simpler than she thought it was, so 2 weeks.
- Ms. Wood stated that the deadline for the next meeting is June 11th at noon.
- Ms. Vittorioso suggested the July meeting.
- Mr. Weizer stated to Ms. Sabol she could turn them in sooner, but this gives you more time, so you do not expire again.
- Mr. Souza stated that by June 30th.



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- Ms. Wood asked if the Board wanted to vote on the waivers, as such: Section 2.5 - Failure to Record, Section 3.7 – Endorsement Required within 6 months of the date of final action, Section 13P – Recission.
- Ms. Wood stated that you have to waive those procedures if you do not waive those procedures you cannot vote to extend.
- Ms. Vittorioso stated that but don't at some point they have to record and don't we have to endorse it.
- Mr. Souza stated that we do not have to waive this at this time.
- Ms. Vittorioso stated that aren't we just extending time.
- Mr. Ciccone stated that we extended the time without prejudice until June 30th.
- Ms. Wood stated that she thinks you need procedural waivers from these.
- Ms. Whitten stated that the deadline had already past, so when Ms. Wood talked to the attorney the deadline had already passed.
- Ms. Vittorioso stated so the 6 months have already lapsed.
- Ms. Wood stated that you need a waiver from that.
- Ms. Vittorioso stated that we have received requests before to extend within the time frame.
- Ms. Whitten stated we have never done one of these before when the deadline has passed.
- Ms. Vittorioso stated that Ms. Sabol is requesting 3 waivers.
- Ms. Vittorioso stated that the problem is at some point she has to record the plan.
- Mr. Souza stated that it is a waiver to a time definite.
- Mr. Perla stated that he understands what Ms. Vittorioso is saying, if we waive the item then it is no longer required.
- Mr. Perla stated but we can just waive the timeframe.
- Ms. Vittorioso stated that why don't we just say we are going to extend the plan nunc pro tunc to the day before the 6-month deadline.
- Ms. Vittorioso asked if this was recommended by Amy, the City Attorney, that we waive these.
- Mr. Weizer stated that she is stating that we cannot do it.
- Ms. Vittorioso stated that she is stating that we cannot do it at all, but you guys had a different conversation with her.
- Mr. Weizer stated that is not what we have in front of us.
- Ms. Vittorioso read from the attorney's email that an approved subdivision plan whereby a mylar has not been submitted to the Planning



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Board for endorsement within 6 months has automatically lapsed and needs to be refiled.

- Ms. Vittorioso stated that it had already lapsed.
- Mr. Weizer stated he does not know how you will bring it back.
- Mr. Weizer stated that he does not want to make anything complicated.
- Ms. Vittorioso stated that Amy stated what on the phone.
- Ms. Wood and Mr. Souza stated that she said we could waiver it.
- Mr. Souza stated to a time definite.
- Mr. Weizer asked if he could suggest we get further clarification and then we can vote on it at our next meeting.
- Mr. Weizer stated that it has already expired, it is not going to be any more expired in two weeks.
- Mr. Weizer stated that we can get some clarification to what the rules are.
- Mr. Weizer stated that he does not want to make a mistake today if we are just not clear.
- Mr. Perla asked when the 6 months was.
- Ms. Wood stated it was March 22nd.
- Mr. Perla asked why we could not change 6 months to 9 months on these particular items.
- Mr. Weizer stated because they have already expired.
- Mr. Perla stated that he understands that it is not taking the need to have these plans endorsed out, it is just changing 6 months to a different timeframe.
- Mr. Perla stated that you are changing or amending the item to a different time.
- Ms. Vittorioso stated that she understands what Mr. Perla is stating and why don't we just extend it now to 90 days instead of 30 days.
- Ms. Vittorioso stated that she thought they were asking for an extension within the 6 months, but she understands now.
- Mr. Souza stated no that the 6 months has lapsed.
- Ms. Vittorioso stated that means its expired.
- Mr. Souza stated that is right.
- Ms. Vittorioso stated that she wants to do this, but she wants to make sure it's done the proper way.
- Mr. Souza stated that we could vote on it extend it 90 days from the expiration date.
- Ms. Vittorioso stated that we should just make it 100 days.
- Mr. Souza asked Ms. Wood what the expiration date was.



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- Ms. Wood stated the 22nd of March.
- Ms. Vittorioso stated that she also does not know how we would waive something that has lapsed.
- Mr. Weizer stated we would need more clarification and if the attorney says this is ok, let her tell us how it is ok.
- Ms. Whitten stated and to get something in writing.
- Mr. Weizer stated that he does not think we should make it up.
- Mr. Weizer stated that he would like to get clarification.
- Ms. Vittorioso stated that she thinks the cleanest way is what she said but she is not the City Solicitor.
- Mr. Weizer stated that she will vote for what you say if you think that is the way to go.
- Mr. Souza stated that he thinks we should vote for something tonight.
- Mr. Ciccone read Section 2.5 *that failure to record plan within 6 months of endorsement shall limit any approval null and void without further action by the Planning Board.*
- Mr. Ciccone stated that our further action is to extend the dates.
- Ms. Vittorioso stated that is not what it is saying.
- Mr. Souza stated that is what he read to her, and she agreed without further action by the Planning Board.
- Mr. Ciccone stated, and we are taking further action.
- Mr. Souza stated that is the way he reads it.
- Mr. Weizer stated that means that there are no deadlines, and we can change them anytime we want.
- Ms. Vittorioso stated that just means that we do not have to declare that it is null and void.
- **Ms. Vittorioso made a motion to extend the Subdivision Plan rescission date from March 22nd 2023 to June 30th 2023 but it is nunc pro tunc to March 21st. (as of March 21st)**
- Ms. Vittorioso stated that we are back dating it to March 21st, Mr. Ciccone stated no we are *going back to* March 21st.
- Ms. Vittorioso stated that is her motion, but the second thing is she is suggesting we go back to KP Law and determine whether or not procedurally that was valid.
- Mr. Weizer stated and to get it in writing.
- Mr. Souza stated that we have a motion from Ms. Vittorioso. Mr. Souza stated do we have a second. **Mr. Ciccone seconded.**



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- Ms. Whitten stated to the Board, so they have until June 30th to get us all of these documents.
- Mr. Souza stated that is correct.
- Ms. Vittorioso stated that she also wants to know if what we did is proper, otherwise let's put it on the next meeting.
- Mr. Valliere stated that we do not have to vote on it tonight.
- Mr. Souza stated well, we should.
- Ms. Wood stated that she is going to have to put it in writing with whatever you vote on.
- Ms. Vittorioso stated that the other motion we can make is that we want the applicant to have more time even though the plan has lapsed.
- Mr. Valliere stated that it has already lapsed.
- Mr. Souza stated that he thinks what Ms. Vittorioso stated is correct and we already have that motion and a second.
- Mr. Souza stated that he will call for the vote on that and we will additionally ask that a letter be sent to KP Law to clarify that the motion is in order.
- Ms. Vittorioso stated that the issues that she is thinking of are that you do not want to compromise the current applicant's marketability and if they have to get this property financed because this could be an issue.
- **Mr. Souza called for the Vote.**
- Ms. Whitten asked the Board if they were doing this motion without confirming first or are we going to confirm first.
- Mr. Souza stated let's confirm after.
- Mr. Valliere stated let's confirm first.
- Ms. Whitten stated after you vote isn't it locked after you make the motion.
- Ms. Vittorioso stated that do you want to just table it then and ask that question.
- Mr. Weizer stated that was his suggestion.
- Mr. Souza stated that we can table it and she is going to go forward anyway.
- Mr. Weizer stated that is fine.
- Ms. Vittorioso stated that is fine and she can continue the steps.
- Ms. Vittorioso stated that we have the intent here, but Ms. Whitten actually brings up a good point.
- Mr. Weizer stated that it will not be any less expired in 2 weeks.



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- Mr. Ciccone stated that she knows she has to get the paperwork in by June 30th so it does not hurt with a two-week delay.
- Mr. Souza stated that our paperwork does not bother her at all.
- Ms. Wood stated that she just needs a notice directing her what to do.
- Ms. Vittorioso stated that she rescinds the previous motion.
- **Ms. Vittorioso stated that she is making a motion to table the decision to the next meeting and to ask KP Law if the motion we made would be the correct motion.**
- Ms. Wood stated and if not to provide us with the correct language.
- Mr. Weizer stated and to provide it in writing.
- Mr. Souza stated that a motion to table cannot have additional discussion so first we have a motion to table.
- **Ms. Vittorioso made the motion to Table this to our next meeting. Mr. Ciccone seconded. Vote 7-0. Motion carried.**
- **Ms. Vittorioso made a motion to ask KP Law if the original motion that was made (Ms. Vittorioso made a motion to extend the Subdivision Plan rescission date from March 22nd 2023 to June 30th 2023 but it is nunc pro tunc to March 21st. ~ as of March 21st) would be the correct motion and if not to provide us with the correct language and to provide it in writing. (KP Law to provide clarification or revision on such motion). Mr. Ciccone seconded. Vote 7-0. Motion carried.**

6.3 155 Tanzio Road, Site Plan-Director to provide update and Planning Board to consider request for a 60-day extension.

- Ms. Wood stated that this is code enforcement and that he needs to come forward with a Site Plan and Special Permit for what he is proposing.
- Mr. Souza asked if we have already extended this once.
- Ms. Whitten stated 60 days.
- Ms. Whitten stated that it was going to expire on 5/10/23 and he went to Hannigan Engineering and then Hannigan Engineering stated that they were very busy, and Hannigan Engineering wrote a letter requesting an extension for 60 days.
- Ms. Whitten stated that in that time frame they will come back to us with a modified Site Plan and a Special Permit before July 10th.
- **Mr. Weizer made a motion to grant this extension request to July 10th. Mr. Pare seconded. Vote 7-0. Motion carried.**



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7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for May 15, 2023

7.1.1 CPTC-Webinar Opportunity: Introduction to the Zoning Act, May 23, 2023, at 5:30pm

- Ms. Wood advised the Board of this Webinar and let them know they have it in our budget if any Planning Board members would like to attend to let her know.
 - Ms. Wood also advised that she got an email today on another training and she would forward it out to the Board.
-
- Ms. Wood let the Board know that our Subdivision books have not been done since 2012 and she is working with MRPC to get the 5 amendments updated.
 - Ms. Wood let the Board know that she put the two most recent amendment copies in the Boards packets for their books.

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

9.1 The next meeting is currently scheduled for June 5, 2023, at 6:30 PM, at City Hall in the T.A. Conference Room/2nd Floor. Deadline for Application Submittal for this meeting is Friday May 26, 2023 @ noon. (Due to the Holiday Monday)

- **Mr. Ciccone made a motion to adjourn at 7:46 p.m. Mr. Pare seconded. Vote 7-0. Motion carried.**