



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
JUNE 5, 2023 @ 6:30 P.M.**

MEMBERS PRESENT

John Souza, Chairman

Salvatore Ciccone

Patrick Perla

Paul Weizer

Dean Valliere

Jason Pare

MEMBERS EXCUSED

Carol Vittorioso, Vice Chair

Thomas Carignan

STAFF PRESENT

Stephanie Whitten, Clerk

Elizabeth Wood, Director

Notes:

- *Scribe for this 6/5/23 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 Victoria Epstein, from Stonefield Engineering and Design.
- Ms. Epstein stated that they do not have any new materials at this time.



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- Ms. Epstein stated that they met with Department Heads last month and based on our conversations and the feelings of the Board our applicant feels it would be best to bring a Peer Review for the Traffic Study.
- Sergeant Greg Robichaud, from the Leominster Police Department, was present and advised that they have had discussions with the engineer and that they brought up a striping plan.
- Mr. Robichaud stated that the striping plan kind of recreated what was already there and they provided their traffic study.
- Mr. Robichaud stated that from what he was able to read and decipher it seemed like their traffic study focused on the improved intersection that was put in for Walmart.
- Mr. Robichaud stated that his concern was the Jungle Road spur where they are going to be building right off of.
- Mr. Robichaud stated that in his opinion it is not designed and not ready for the traffic they are going to see.
- Mr. Robichaud stated so he just wanted to see if there was some sort of agreement we could come to or any mitigation to help the area.
- Mr. Robichaud stated that there are going to be other developments going on down the road.
- Mr. Robichaud stated that there are already factories and a pit down there with heavy truck traffic.
- Mr. Robichaud stated that he does not want to go to another crash where someone took a left turn in front of a truck and that is where he is coming from.
- Mr. Robichaud stated that he is not trying to stop the project and that he just wants to make sure it is done in the safest manner possible.
- Ms. Epstein stated that safety is their utmost priority and if a full study is what is best to ensure that then they are happy to comply.
- Mr. Souza stated that he thinks that is the general feeling of the Board.
- **Mr. Weizer made a motion to Table this 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 to July 17th at 6:30 p.m. Mr. Perla seconded.** No vote taken.
- Mr. Souza asked if anyone from the audience had any comments on the Continued Open Public Meeting.
 - o No comments were received.
- Mr. Ciccone stated that there wasn't just the original striping, there was a crosswalk being pushed back, and the corner at the main entrance.



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- Mr. Ciccone stated to Mr. Robichaud that he did not think it was enough to mitigate what was going on down there and further stated he appreciates Mr. Robichaud's input because we feel the same way.
- Mr. Ciccone stated that we are still looking for that solution to Mill Street, which is a separate issue all together.
- Ms. Wood asked for clarification.
- Mr. Weizer stated that they said they were going to do a full study, so let them do a full study and then we would need a peer review.
- Ms. Wood stated typically after they do theirs, we hire an engineer to do a peer review of their study.
- Ms. Wood asked the Board if their study comes in before the July 17th meeting, if the Board wants her to send that study out before the July 17th meeting.
- Mr. Weizer stated he can make that motion.
- Ms. Whitten stated that we would need escrow.
- Mr. Weizer withdrew his first motion.
- **Mr. Weizer made a motion that if the engineers' Traffic Study comes in prior to July 17th that we authorize Ms. Wood to get 3 quotes to complete a Peer Review of their study. Mr. Perla seconded the motion. Vote 6-0. Motion carried.**
- **Mr. Weizer made a motion to Continue this 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 to July 17th at 6:30 p.m. Mr. Perla seconded. Vote 6-0. Motion carried.**

1.0 CALL TO ORDER

- **Call to Order was done at 6:41 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. Vittorioso was not present, and Ms. Wood stated excused. Mr. Valliere stated here. Mr. Carignan was not present, and Ms. Wood stated excused. 6 Planning Board Members were in attendance.**

2.0 MINUTES OF PREVIOUS MEETINGS

2.1 May 1, 2023

- **Mr. Perla made a motion to accept these minutes. Mr. Weizer seconded. Mr. Pare abstained. Vote 5-1-0. Motion carried.**

3.0 PLANS SUBMITTED



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3.1 ANR for 449 Wachusett Street, Map 388, Parcel 1

- Steve Ballard from Haley Ward is the representative for this ANR.
- Mr. Ballard stated that this is on the Elm Street side.
- Mr. Ballard stated that they are all over 3 acres.
- Ms. Wood noted that this property is under 61B restriction and is subject to all requirements thereof and that will carry with each lot.
- Mr. Ballard stated that since the lot is so big, and he can't show all the abutters he requested a waiver.
- **Mr. Ciccone made a motion to grant waiver 5.3.G, for the abutters that are not already listed on the ANR plan. Mr. Weizer seconded. Vote 6-0. Motion carried.**
- **Mr. Perla made a motion to endorse this ANR. Mr. Weizer seconded. Vote 6-0. Motion carried.**

3.2 ANR for 143, 150, and 178 Joslin Street, Map 576, Parcel 6, Map 577, Parcels 10 & 11

- Steve Ballard from Haley Ward is the representative for this ANR.
- Mr. Ballard stated that this one was on the last meeting.
- Mr. Ballard stated that they modified lot 1 and downsized the lot.
- **Mr. Weizer made a motion to grant waiver 5.3.G. Mr. Perla seconded. Vote 6-0. Motion carried.**
- **Mr. Ciccone made a motion to endorse this ANR. Mr. Perla seconded. Vote 6-0. Motion carried.**

3.3 Site Plan Application for 37 Carter Street, Map 47, Parcels 1 & 2, Leominster Emergency Management parking plan

- **Mr. Weizer made a motion to schedule this on 6/20/23 @ 6:45 p.m. Mr. Perla seconded. Vote 6-0. 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 7/17/23 @ 6:30 p.m.

5.0 NEW BUSINESS

5.1 None



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6.0 **COMMUNICATIONS**

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

- Ms. Wood stated that Ms. Vittorioso could not be here tonight but provided her statement on this communication item.
- Ms. Wood also stated that there is a legal opinion in your packets as well, as the Board asked me to get a legal opinion in writing at the last meeting.
- Mr. Souza stated that Ms. Vittorios stated that she is opposed to it.
- Mr. Souza read the legal opinion dated 5/16/23 that Ms. Wood received as such:

Elizabeth,

As I stated on the phone (and below), the Board should amend the language of the Rules and Regulations as it is quite strict. I explained to John that the Board can issue a waiver of the 6-month requirement but technically the decision has expired/lapsed so any such waiver could be subject to challenge.

John indicated that the Board would be comfortable issuing a waiver from the 6-month requirement under the circumstances offered by the applicant.

The waiver would be from Sections 2.5, 3.7 and 13.P to allow extended time to allow a Mylar be submitted for signature and recording. I suggest that the Board list a time certain, so it is not an open-ended waiver.

Thanks,

Amy

*Amy E. Kwesell, Esq.
KP Law, PC*

- Mr. Souza stated that the first part says we can't, and the second part says we can, so he thinks we have the authority to extend to a time definite, as the City Attorney stated.
- Mr. Souza stated that the plans have been done but it is some paperwork that needs to be completed.
- Mr. Souza stated that one is the homeowners' association document because they are going to now be responsible for their detention ponds.



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- Mr. Souza stated in the past we did not have that vehicle of the homeowner's association document and we put that in, and it sort of put another caveat in that they have to deal with.
- Mr. Souza stated that he wants to work with the local people and that we need housing in the area.
- Mr. Souza stated that by a time definite they can get their paperwork done.
- Mr. Souza stated that's why he is in favor of moving forward with getting the subdivision back moving.
- Mr. Ciccone asked if we had a definite date on this.
- Ms. Wood stated that we said June 30th.
- Ms. Wood stated that she might suggest that you go to the July 17th meeting as the HOA is required per the Subdivision Regulations and you cannot waiver that.
- Mr. Perla asked the Board what they will have to do if we deny it.
- Mr. Souza stated that they would have to start from scratch.
- Mr. Perla asked what that meant.
- Ms. Wood said a new application and a new hearing.
- Mr. Souza stated that they would have to pay the money to resubmit.
- Mr. Perla stated theoretically we could waive the fee.
- Ms. wood stated that we would have to advertise.
- Ms. Wood stated that we have to send it out to all the departments and have a technical review.
- Mr. Perla stated which they have already done.
- Mr. Perla stated, you know what it is going to do, it is going to make it clean for everybody.
- Mr. Weizer stated that he agrees with Mr. Perla.
- Mr. Perla stated that in probably the same amount of time as they do not have all of the other stuff anyways.
- Mr. Perla stated that for everybody everything will be clean and that the heavy lifting has been done.
- Mr. Weizer stated and then we are following the rules.
- Mr. Perla stated that there is nothing hanging over our heads.
- Mr. Ciccone stated that there is no precedence set either.
- Mr. Perla stated what we are looking at, 2 months, theoretically by the July or August meeting.
- Ms. Whitten stated we would schedule it in July to be heard in August.
- Mr. Weizer stated that he agrees with Mr. Perla and Ms. Vittorioso.



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- Mr. Perla stated that with that amount of time it just seems that it is a better option for everybody.
- Mr. Perla stated that in the long run he thinks it is just the smart thing to do.
- Ward Councilor, Bill Brady, was present and the Chair allowed him to speak during this section of the Planning Board meeting.
- Mr. Brady stated that based on the calls he received you might want to do this one by the book.
- Ms. Wood stated she will need to send a letter to the applicant.
- Mr. Souza stated that the motion is that through the discussion of the Planning Board it is the general feeling that the original dates are to be held and that the Subdivision plans would have to be reapplied.
- Mr. Souza stated that further in the letter it was also the feeling that the Board would waive certain fees one time.
- Ms. Wood asked if it was just the application fee or the advertising.
- Mr. Weizer stated advertising is a real cost.
- Ms. Wood stated so it is just the application fees.
- Ms. Whitten stated to Mr. Souza that Ms. Wood could also put the dates of all the upcoming meetings and deadlines so that we can move her along as fast as possible.
- Mr. Souza stated in that letter to also give her the dates of the projected meetings.

6.2 Montachusett Joint Transportation Committee (MJTC) Representative-Board to make an appointment for a representative for the July 1, 2023-June 30, 2024 term.

- Ms. Wood let the Board know she could be this MJTC representative.
- Ms. Wood stated that she is a Leominster resident.
- **Mr. Ciccone made a motion to appoint Ms. Wood as the representative to the MJTC. Mr. Weizer seconded. Vote 6-0. Motion carried.**

6.3 Summer Meeting Schedule: July 17, 2023 & August 21, 2023.

- Mr. Souza asked the Board if those dates would be good for everyone.
- Mr. Ciccone noted that he would not be there for July 17th.
- Mr. Weizer let Ms. Wood know that it is iffy, but he should make it.



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- **Mr. Weizer made a motion for the Summer Schedule with the two meetings of July 17th and August 21st. Mr. Perla seconded. Vote 6-0. Motion carried.**

7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for June 5, 2023

- Ms. Wood gave the Board the heads up to save the date for the SNEAPA conference on October 5th and 6th in New Haven Connecticut.

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

9.1 The next meeting is currently scheduled for Tuesday, June 20, 2023, at 6:30 PM, at City Hall in the T.A. Conference Room/2nd Floor. Deadline for Application Submittal for this meeting is Monday, June 12, 2023 @ noon.

- **Mr. Ciccone made a motion to adjourn at 7:07 p.m. Mr. Weizer seconded. Vote 6-0. Motion carried.**