



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

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**MEETING MINUTES  
PLANNING BOARD MEETING  
JUNE 20, 2023 @ 6:30 P.M.**

**MEMBERS PRESENT**

Carol Vittorioso, Vice Chair

Thomas Carignan

Salvatore Ciccone

Patrick Perla

Paul Weizer

Dean Valliere

Jason Pare

**MEMBERS EXCUSED**

John Souza, Chairman

**STAFF PRESENT**

Stephanie Whitten, Clerk

Elizabeth Wood, Director

*Notes:*

- *Scribe for this 6/20/23 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk*

**SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS**

- 6:30**      **Open Public Meeting for Site Plan Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility**
- 6:31**      **Open Public Hearing for Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 8A, Independent Living facility**
- 6:38**      **Open Public Meeting for Site Plan Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility**



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### 6:40 **Open Public Hearing for Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility**

- Ms. Vittorioso opened the 6:30 Open Public Meeting at 6:30 p.m.
- Ms. Vittorioso opened the 6:31 p.m. Public Hearing at 6:31 p.m.
- Chris Anderson of Hannigan Engineering was the representative for this application.
- Mr. Anderson stated that these applications are for construction of a 21-unit Independent Assisted Living Facility on Lot 8A off of Brooks Pond Road.
- Mr. Anderson stated that based on the use of the facility they need 20 required parking spots, and they are providing 23 spots.
- Mr. Anderson stated that this borders an existing detention basin on the back portion of the site, and they are increasing the capacity within the basin.
- Mr. Anderson asked the Board if they wanted him to go over the Department Head responses.
- Ms. Vittorioso stated yes.
- The Department Head comment and responses received into the record were as follows:

#### PLANNING DIRECTOR

#### Article IX, Off-street Parking and Loading Comment

*Comment: Landscaping: Per section 22-45.1.4, indicate the species of the proposed tree plantings*

**Response:** The final determination of trees to be planted will be based on available nursery stock at the time of planting. It is anticipated that the species would be either maple or oak, or similar varieties.

*Comment: Dumpster Access Location and Screening: the dumpster location shall be shown on the plan and meet the provisions of Section 22-45.1.6*

**Response:** The refuse from the tenants will be collected internally by staff as needed by the tenants. The refuse will then be transported to one of the many dumpsters on the site. No additional dumpsters are proposed.

#### Article IX, Section 22-57 Comment



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*Comment:* Per Section 22-58.1, the Police and Fire departments shall review the proposal to ensure that all buildings, structures, uses, equipment and materials are readily accessible for police and fire protection.

**Response:** Fire and Police Department comments are addressed within this review. It is noted that both departments are accepting of the proposed plan.

*Comment 2(1)a:* Lighting: Details of the proposed lighting plan need to be shown. The Board will evaluate the lighting plan to determine if the proposed configuration meets the Zoning Ordinance, specifically, Section 22-58.6

**Response:** There are no additional pole mounted lights proposed for the project as it is anticipated that the existing lighting on the site will be sufficient for the project. There will be lighting off the building provided with typical wall pack units for security purposes. Notations have been added to the plans dictating compliance with Section 22-58.6 should additional pole mounted lights be required.

*Comment 2(1)b:* Lighting: Detail how all provisions of 62.2 will be met.

**Response:** There are no additional pole mounted lights proposed for the project as it is anticipated that the existing lighting on the site will be sufficient for the project. There will be lighting off the building provided with typical wall pack units for security purposes. Notations have been added to the plans dictating compliance with Section 62.2 should additional pole mounted lights be required.

*Comment 2(2):* Per section 22-58.5, the development of the site shall preserve sensitive environmental land features, including wetlands. A portion of the development is within the 200' riverfront buffer. The Conservation Commission will be evaluating this impact at an upcoming meeting.

**Response:** Filings with the Conservation Commission for the proposed work are forthcoming.

*Comment 3a:* Landscaping: per section 22-58.5 landscaping must comply with the Section 22-62.3. Landscaping details are displayed on Sheets 1 of the submitted site plan. This includes 8 proposed trees. Include more detail about the proposed landscaping, including species and tree height and caliper.



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**Response:** The final determination of trees to be planted will be based on available nursery stock at the time of planting. It is anticipated that the species would be either maple or oak, or similar varieties. The planting detail has been updated to require a minimum height of ten feet (10') at the time of planting.

*Comment 3b: Landscaping: per section 22-58.5, the proposal shall demonstrate that existing trees are preserved to the maximum extent possible. Based on the proposal, the majority of the existing trees on the site are proposed to be removed.*

**Response:** Existing trees in the area of the proposed construction will be removed to the extent necessary for the construction. There are limited trees and brush in the area behind the existing garage that is will be razed as part of this project. As these trees provide a buffer against the railroad tracks, these trees will be maintained as much as practical.

*Comment 3c: Landscaping: The cover letter indicates that a waiver is being requested from Section 22-62.3.1 which requires the landscaping plan to be prepared by a licensed landscape architect.*

**Response:** Acknowledged. A Waiver from Section 22-62.3.1 has been requested specifically to the requirement of a landscaped architect. Tree planting locations are shown on the Site Plans.

*Comment 4: Per Section 22-62.1 Stormwater Runoff detail is required and was provided. As the document was too large for practical printing purposes, it was provided electronically and is being reviewed by the Department of Public works and the Conservation Agent for compliance with City Standards.*

**Response:** As noted in the submittal letter, a review of the increases in impervious area was performed and modifications are proposed to both detention basins to provide additional system capacity. A new drainage analysis was not provided for this project and reliance is being made on the originally approved report. Further discussion is provided regarding this item under DPW Comment #1.

*Comment 5: Per Section 60.1.1. Add all abutting properties within 300' of the site location to the plan.*



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**Response:** A locus sheet has been provided within this response with the abutting properties within 300-feet of the locus plan.

*Comment 6:* Per Section 60.1.7. Confirm that any and all easements and ROW are detailed on the Site Plan

**Response:** All easements and ROWs are detailed on the Site Plan. Reference is also made to record plans relative to the same.

*Comment 7:* Per Section 60.1.14. Indicate any proposed signage.

**Response:** There are no additional signs proposed beyond typical directional and accessible parking signage as noted on the Site Plans.

*Comment 8:* Per Section 60.1.17, include the architectural elevations for proposed new buildings.

**Response:** Architectural renderings have been included within this review.

*Special Permit Review, Article I, Section 22-13*

*Comment 1:* Per Section 22-13.4 the proposal should not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians. The applicant needs to demonstrate that there will not be an excess of vehicles in the neighborhood as a result of the proposed use.

**Response:** The proposed project utilizes the existing driveway system for the project which gains access off Brooks Pond Road, a private way. Brooks Pond Road connects to Central Street and a review of the proposed changes has been provided based on the attached traffic memorandum by Greenman-Pedersen, Inc. (GPI). Vehicle trips generated by the both Lots 8A and Lot 9A were reviewed as compared to the number of vehicle trips approved under the original project, which included commercial uses along Central Street. This review shows that the addition of these two new buildings will still result in fewer vehicle trips than originally approved. As such, it is anticipated that the proposed project will not cause a substantial inconvenience or hazard to the abutters, vehicles or pedestrians.



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*Comment 2: Per Section 22-13.2.6 the applicant shall provide a landscaping plan. A landscaping plan per ordinance and by a licensed Landscape Architect has not been provided.*

**Response: Acknowledged. This section then refers to Section 22-62.3.1 requiring a Landscape Architect. A Waiver has been requested from Section 22-62.3.1. Tree planting locations are shown on the Site Plans.**

### ASSESSOR

*No Comments.*

### BOARD OF HEALTH:

*Comment #1: Will there be a Community Room/Kitchen?*

**Response: There will not be a Community Room or Kitchen located within this building. These facilities are provided for the tenants in the buildings located at #4, #15, and #16 Brooks Pond Road.**

*Comment #2: Construction area shall be maintained litter-free.*

**Response: Acknowledged.**

### BUILDING INSPECTOR:

*No Comment per review form dated May 25, 2023.*

### CONSERVATION:

*Comment: Conservation would prefer the use of only native trees and plants in landscaping beds/plantings.*

**Response: Noted. Native trees and plantings will be utilized within the project.**

### DPW:

*Comment#1: If drainage calculations are not being required by the Planning Board because the project areas were included in the previous drainage analysis,*



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*then there needs to be a statement signed and stamped by the engineer that in review of the Brooks Pond Drainage Analysis (specify the date the analysis was prepared) that there will be no increase in impervious surface and no increase in stormwater runoff rate and volume from the site.*

**Response:** This portion of the site relies on the original Drainage Analysis performed for the project by Hamwey Engineering. Attempts to locate this information have not been successful. Thus, this office performed a review of the changes to the impervious areas on both Lot 8A and 9A relative to the two detention basins associated with these projects. Based on this review, the two projects will produce an additional 16,100 square feet of impervious area. The vast majority of this area is directed to the drainage infrastructure that flows to the eastern detention basin to the rear of Lot 8A.

This detention basin has an existing capacity of approximately 26,500 cubic feet (c.f.) of volumetric storage. Under the proposed revision, this basin will be enlarged to provide a capacity of approximately 59,650 cubic feet of volumetric storage. It is noted that no changes are proposed to the outlet control system of this basin. Based on the increase of impervious area of 16,100 square feet, and the volume created by a typical 100-year storm event of 7-inches, an additional 9,400 cubic feet of runoff would be generated. As the overall basin capacity will be increased by approximately 33,150 cubic feet, and the outlet control system is not being changed, the outflow conditions from the basin are maintained. It is also anticipated that the peak elevation of the basin would be significantly lower than of the original design, as there is more volumetric capacity within the basin.

Relative to the western basin located adjacent to the Lot 9A, to facilitate the construction of the proposed building, a portion of the basin will be filled in to create the building pad. This western basin receives runoff from other portions of the site and its discharge is directed to the west, ultimately flowing to Brooks Pond. This basin does not contribute flow to the eastern basin.

To account for the lost volume within this basin, the basin bottom will be lowered by approximately 10 inches. This will be performed as part of the maintenance of the basin which will remove reedy growth currently in the basin. The current basin has



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**a volumetric capacity of approximately 104,000 cubic feet of storage. The modifications proposed will result in a volumetric capacity of approximately 109,200 cubic feet. With no additional flows being directed to this basin, it is anticipated that this basin will perform as it currently operates.**

FIRE DEPARTMENT:

*Comment #1: Apparatus access adequate per M.G.L 527 CMR 7.00 ch.18.*

**Response: Acknowledged.**

*Comment #2: Snow removal adequate.*

**Response: Acknowledged.**

*Comment #3: Buildings will be sprinklered and monitored by fire alarm.*

**Response: Acknowledged.**

POLICE DEPARTMENT:

*No Comments.*

- Mr. Weizer asked if the Building Inspectors' comments were satisfied, and Mr. Anderson stated that he sent a subsequent review where they addressed all of his comments.
- Mr. Anderson stated that he then approved the project on 5/25/23.
- Mr. Weizer asked if that included his parking and subdivision plan concerns and Mr. Anderson stated yes.
- Mr. Ciccone asked if there was a unit count.
- Mr. Anderson stated 21 units.
- Mr. Ciccone asked if they have a total unit count for the whole project and the open acreage requirement.
- Peter Bovenzi, the Real Estate Developer for Brooks Pond, stated that on this site originally, we had approval for garages and then those garages were not desirable.
- Mr. Bovenzi stated that then he came back to the Board and converted them to units.





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- Mr. Bovenzi stated that the existing buildings that were there were converted to apartments.
- Mr. Bovenzi stated that they then started working with the assisted living people.
- Mr. Bovenzi stated that we then decided on the garden style apartments which used the same amount of land and that they were then converting it to this other use.
- Mr. Bovenzi stated that this is not open area land.
- Mr. Bovenzi stated that these buildings are in areas that were previously approved for other types of development within the development.
- Mr. Bovenzi stated that we came back to the Board and submitted like a porkchop lot and the reason we did that is that the zoning requires it to be a different lot and we subtracted that land from the Brooks Pond Development we also subtracted units from the Brooks Pond Development.
- Mr. Bovenzi stated that we are in compliance with the Brooks Pond Development.
- Mr. Bovenzi stated that we did a traffic analysis of the development and there were only 4 additional cars at peak times between the previously approved and this revised plan.
- Mr. Bovenzi stated that one of the things he wanted to point out was the Brooks Pond project was a 32-unit approved building which we reduced to 17 units.
- Mr. Bovenzi stated so there we actually subtracted 15 units from that particular building.
- Mr. Bovenzi stated that at a closer analysis we found that what was happening was that the people that wanted these units did not want small units.
- Mr. Bovenzi stated that if you look at the architectural plans of these you have basically a bedroom and a den, so they are a larger square footage wise, but they meet the demand they have for this type of unit.
- Mr. Bovenzi stated that the ranches were successful, and they ended up building a few of them, but they feel that this is a better use and has more demand.
- Mr. Bovenzi stated that they ended up eliminating 9 ranches and 15 units in front of Building # 4.
- Mr. Bovenzi stated that one of the buildings is really just a reconfiguration on units that we were basically eliminating.
- Mr. Bovenzi stated that he thinks it is a better way of doing it.
- Mr. Bovenzi stated that they are going to have to go to Conservation.
- Mr. Bovenzi stated that one of the things brought up by Ms. Wood was that the heading on the actual drawing was at 25 units and the actual plan was for 21 units.
- Mr. Bovenzi stated that we reduced it.



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- Mr. Bovenzi stated that we have assisted living uses allowed in the Commercial District and this is now in the Residence C District.
- Mr. Bovenzi stated that there are some different zoning considerations, one is that it can only be 3 stories.
- Mr. Bovenzi stated that another consideration is that in the Residence C District the parking has to be on the site owned by the actual building and that is the reason that Lot 8 became Lot 8A and that Lot 9 became Lot 9A.
- Mr. Bovenzi stated that meanwhile we have an abundance of parking that is in excess of what is required by zoning.
- Mr. Bovenzi stated that this is a redraw/design of an area that was already approved for units.
- Mr. Bovenzi stated that on some areas of the site we reduced the number of units and we do not come back to you to reduce the number of units.
- Mr. Bovenzi stated that we have come up with a plan that we think better utilizes the land and provides them with the type of housing that is in demand.
- Mr. Bovenzi stated that right now they are pushing 140 people on the waiting list.
- Mr. Ciccone asked Mr. Bovenzi if the unit counts have gone down.
- Mr. Bovenzi stated that they have gone down and up and that they are marginally up.
- Ms. Vittorioso asked what the number of units is.
- Mr. Bovenzi stated that he does not know off the top of his head.
- Ms. Vittorioso opened the 6:38 p.m. Open Public Meeting at 6:46 p.m.
- Ms. Vittorioso opened the 6:40 p.m. Public Hearing at 6:46 p.m.
- Mr. Perla asked Mr. Anderson if they were knocking down any existing structures.
- Mr. Anderson stated that yes there is an existing garage facility, an auxiliary structure, and an existing shed.
- Mr. Anderson pointed out on the plan where these items were located.
- Ms. Whitten stated that we received all of the Department Head comments today from the engineer and have sent it out to them for additional comment.
- Ms. Vittorioso asked Mr. Anderson if he wanted to cover Lot 9A.
- Mr. Bovenzi stated that he apologized for the delay in receiving their comments, but wanted to point out that the DPW stated they needed a statement signed and stamped by an engineer for the drainage analysis and they will have that.
- Mr. Anderson stated that for Lot 9A this is for a 21-unit Assisted Living Facility.
- Mr. Anderson showed the Board on the plan where this Lot 9A was located.
- Mr. Anderson stated that the parking will be provided along Brooks Pond Road for this facility.



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- Mr. Anderson stated that by requirements we need to have 20 parking spaces and they provide 20 spaces.
- Mr. Anderson stated that as part of the overall development there is an existing detention basin located along the back side of the building and they are altering that basin and providing additional capacity.
- Mr. Anderson stated that the Department Head comments received are similar to those of Lot 8A.
- Mr. Bovenzi stated that was the location for other buildings that were previously approved.
- At 7:00 p.m. Ms. Vittorioso opened the 6:30 Open Public Meeting, 6:38 Open Public Meeting, 6:31 p.m. Public Hearing. & 6:40 p.m. Public Hearing for audience comments
  - o No comments were received.
- Ms. Vittorioso asked Ms. Wood if we had received everything we needed.
- Ms. Wood stated that we have not had the new material reviewed yet.
- Mr. Weizer stated that then we have to continue this.
- Ms. Vittorioso stated yes.
- Mr. Bovenzi stated that the DPW outstanding item is a vote approval condition.
- Mr. Bovenzi stated that he is flexible on the condition, but for example they have to get Conservation approval.
- Mr. Bovenzi stated that the DPW went so far as to state that they accepted it pending a stamped plan provided by the engineer.
- Mr. Bovenzi stated that because of the market if he does not get this approval relatively quickly, he will not be able to do this.
- Ms. Vittorioso asked what we were waiting for.
- Ms. Whitten stated the DPW comments.
- Ms. Wood stated that she has to go over the unit counts.
- Mr. Ciccone stated that was submitted today.
- Ms. Wood stated that we have not reviewed that.
- Mr. Bovenzi stated that you can make it conditional that the unit counts be within the zoning, and this is a stamped engineered plan and that doesn't really have an impact on this project.
- Mr. Bovenzi stated that the unit counts are dictated by zoning.
- Mr. Bovenzi stated that there is no unit count on assisted living as part of our zoning.
- Mr. Bovenzi stated that what we have done is that we have subtracted some land and we subtracted units and the remainder is left in in compliance.



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- Mr. Bovenzi stated that is what the Building Inspector and City Engineer reviews on the plan.
- Mr. Bovenzi stated that you can make it conditional on the unit counts, that they comply with the zoning.
- Mr. Bovenzi stated that he had no idea that this interest rate thing was going to happen, that they were going to start marking them up at the speed of light and these developments are extremely sensitive to this and it is nothing he can control.
- Mr. Bovenzi stated that the Department Heads did their review, and we answered their questions, and their comments did not get back in time, but we did the best we could.
- Mr. Bovenzi stated that he assures the Board that it cannot go forward with Conservation without the Order of Conditions.
- Mr. Perla asked Mr. Bovenzi if these two buildings get built how close are you to completing the project.
- Mr. Bovenzi stated that the Mayor asked in the Technical review when he was going to be done and Mr. Bovenzi stated that down the road things can change in zoning and the community could change but based on his understanding now, he does not see it going forward any further, but he stated he does not know ten years from now.
- Mr. Ciccone stated that Conservation has to still approve, and the requirements of the State have to be met.
- Mr. Ciccone stated that there is a need for housing.
- Mr. Ciccone stated that it seems like they have been talking to the Building Inspector and the DPW.
- Ms. Wood stated that if you do this for this applicant you are setting a precedent because other applicants did not meet their deadlines and got continued.
- Mr. Ciccone stated that we can make it subject to all the other conditions being met.
- Ms. Vittorioso stated that everyone else is going to come in here and ask for the same thing.
- Mr. Weizer stated that this applicant has a track record, and we can trust them.
- Mr. Bovenzi stated that we submitted it, there were comments, and we are now answering the comments in the affirmative of every single question that was asked.
- Mr. Bovenzi stated that we are complying with the comments.
- Ms. Vittorioso stated that Mr. Weizer brings up a good point.
- Attorney Jim Moriarty stated that he thinks this application stands on meeting zoning requirements and obviously the Board wants to have a handle on how many units we have and that has been presented.



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- Mr. Moriarty stated that he can tell the Board informationally that he sat with Mr. Hannigan to go over Lot 8A & 9A and he can state that personally there is no issue with the zoning whatsoever.
- Mr. Moriarty stated that hopefully the Board would think that the Department Head comments have been reviewed and responded to appropriately.
- Mr. Moriarty stated that then you have the last two issues with respect to the condition of the DPW and to also meet the conditions of the Conservation commission.
- Mr. Anderson also noted that the Stormwater Ordinance that the City of Leominster institutes is applied to this project because it is within the jurisdictional areas and Stormwater does fall under the Conservation approval.
- Ms. Vittorioso stated that the outstanding items are the DPW Drainage Analysis and that there is no increase to the impervious surface, subject to the approval from Conservation Commission, and Ms. Wood to review the unit count, and any other Department Head comments.
- Ms. Wood asked Ms. Vittorioso and the Board if she wants her to wait until she gets all the comments back from all the Departments and then add them into the decision.
- Ms. Wood stated that we sent out the new materials to the Departments today.
- Ms. Vittorioso stated that we have the representation from the developer that they are going to comply with all of the comments.
- Mr. Bovenzi stated yes.
- Ms. Wood stated that when she writes her NOD, she likes to list each comment that is outstanding.
- Mr. Bovenzi stated that we have an answer to every comment.
- Mr. Ciccone stated that the only ones that would be outstanding we addressed.
- Ms. Wood stated that she will have to wait to get all the comments back before she finishes her NOD.
- Ms. Whitten stated that all the comments should be back by Friday.
- Ms. Vittorioso stated that there is an appeal period as well.
- Mr. Bovenzi stated that the only two conditions pending are that the DPW is looking for a stamped engineered plan and to go back before Conservation.
- **At 7:19 p.m. Mr. Weizer closed the 6:30 Open Public Meeting for Site Plan Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility. Mr. Perla seconded. Vote 7-0. Motion carried.**
- **At 7:19 p.m. Mr. Weizer closed the 6:31 Open Public Hearing for Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 8A, Independent Living facility. Mr. Perla seconded. Vote 7-0. Motion carried.**



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- **At 7:20 p.m. Mr. Weizer closed the 6:38 Open Public Meeting for Site Plan Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility. Mr. Perla seconded. Vote 7-0. Motion carried.**
- **At 7:20 p.m. Mr. Weizer closed the 6:40 Open Public Hearing for Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility. Mr. Perla seconded. Vote 7-0. Motion carried.**

**6:45 Open Public Meeting for 37 Carter Street, Map 47, Parcels 1 & 2, Leominster Emergency Management parking plan**

- Ms. Vittorioso opened the 6:45 Open Public Meeting at 7:21 p.m.
- Jonathan Collette from Haley Ward is the representative for this application.
- Mr. Collette reviewed the existing conditions with the Board.
- Mr. Collette stated that there are five dedicated parking spots in front of the building, four normal-sized spaces and one handicap spot.
- Mr. Collette stated that Arthur Elbthal, the Director of Emergency Management, expressed a need for more parking.
- Mr. Collette stated that everyone attempts to park on the street which clogs up Carter Street.
- Mr. Elbthal stated that they have classes and training ongoing with his department five days a week and sometimes weekends.
- Mr. Elbthal stated that they also have medical trainings at the building up until about 9:30 p.m. at night.
- Mr. Elbthal stated that there was an old house and garage that has been torn down and it is a beat-up area that is dirt and broken pavement, so people cannot park there.
- Mr. Elbthal stated that they end up parking on the street and they fill the entire block.
- Mr. Elbthal stated that what the parking lot proposal will do is pave this area that the City already owns and take this parking off of the street.
- Mr. Elbthal stated that they have addressed lighting, landscaping, stormwater, etc.
- Mr. Collette pulled up the proposed Site Plan for the Board to see where the parking is proposed and the proposed landscaping.
- Mr. Collette stated that they are proposing 16 spaces to go along with the existing 5 spaces that will make 21 spaces in total.



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- Mr. Elbthal stated that the upper part of the parking lot, beyond the first island, that is the area which will be for turning around and backing up our vehicles into our vehicle bay.
- Mr. Elbthal stated the area closer to Carter Street is where the parking spots will be.
- Ms. Vittorioso asked where the snow storage will be.
- Ms. Wood stated that they met the snow storage requirements.
- Ms. Vittorioso asked if there was any alteration to the existing building.
- Mr. Collette stated no.
- Ms. Vittorioso stated that all the Department Heads were good, and that Conservation is just requesting native plants.
- Ms. Vittorioso opened this 6:45 Open Public Meeting at 7:27 p.m.
  - o Claire Freda, Leominster City Council at Large of 117 Debbie Drive, stated that this facility is revered by all the neighboring communities.
  - o Ms. Freda stated that it will be a relief to the neighborhood to be able to get the cars off the road.
  - o Ms. Freda stated that she is there to speak in support of this application.
- **Mr. Weizer made a motion to close the 6:45 Open Public Meeting for 37 Carter Street, Map 47, Parcels 1 & 2, Leominster Emergency Management parking plan. Mr. Perla seconded. Vote 7-0. Motion carried.**

## **REGULAR MEETING**

### **1.0 CALL TO ORDER**

- o **Call to Order was done at 7:29 p.m. Roll Call Vote was taken. Mr. Souza was not present, and Ms. Wood stated excused. Mr. Pare stated here. Mr. Ciccone stated here. Mr. Weizer stated here. Mr. Perla stated here. Ms. Vittorioso stated here. Mr. Valliere stated here. Mr. Carignan stated here. 7 Planning Board Members were in attendance.**

### **2.0 MINUTES OF PREVIOUS MEETINGS**

#### **2.1 May 15, 2023**

- o **Mr. Weizer made a motion to accept these minutes. Mr. Perla seconded. Vote 7-0. Motion carried.**



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Chairperson

Carol Vittorioso  
Vice Chairperson

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### 3.0 PLANS SUBMITTED

#### 3.1 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 the APR has forced the applicant to conform to the original agreement.
- **Mr. Ciccone made a motion to endorse this ANR. Mr. Carignan seconded. Vote 7-0. Motion carried.**

### 4.0 OLD BUSINESS

#### 4.1 None

### 5.0 NEW BUSINESS

#### 5.1 Site Plan Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility

- **Mr. Weizer made a motion to waive the use of a landscape architect. Mr. Ciccone seconded. Vote 7-0. Motion carried.**
- **Mr. Weizer made a motion to approve this Site Plan Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility with the waiver and conditional upon approval of the Conservation Commission, conditional upon DPW approval, conditional upon the Unit Count being reviewed by the Planning & Development Director, conditional upon any other conditions that may arise from Department Heads based on the new information just received, and that the Planning Director to review the conditions prior to the Certificate of Occupancy being issued. Mr. Ciccone seconded. Vote 7.0. Motion carried.**

#### 5.2 Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility

- **Mr. Weizer made a motion to waive the use of a landscape architect. Mr. Ciccone seconded. Vote 7-0. Motion carried.**
- **Mr. Weizer made a motion to approve this Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 8A, Independent living facility with the waiver and conditional upon approval of the Conservation Commission, conditional upon DPW approval,**





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**conditional upon the Unit Count being reviewed by the Planning & Development Director, conditional upon any other conditions that may arise from Department Heads based on the new information just received, and that the Planning Director to review the conditions prior to the Certificate of Occupancy being issued. Mr. Ciccone seconded. Vote 7.0. Motion carried.**

**5.3 Site Plan Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility**

- **Mr. Weizer made a motion to waive the use of a landscape architect. Mr. Ciccone seconded. Vote 7-0. Motion carried.**
- **Mr. Weizer made a motion to approve this Site Plan Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility with the waiver and conditional upon approval of the Conservation Commission, conditional upon DPW approval, conditional upon the Unit Count being reviewed by the Planning & Development Director, conditional upon any other conditions that may arise from Department Heads based on the new information just received, and that the Planning Director to review the conditions prior to the Certificate of Occupancy being issued. Mr. Ciccone seconded. Vote 7.0. Motion carried.**

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

- **Mr. Weizer made a motion to waive the use of a landscape architect. Mr. Ciccone seconded. Vote 7-0. Motion carried.**
- **Mr. Weizer made a motion to approve this Special Permit-USE Application for Brooks Pond Road, Map 317, Parcel 9A, Independent living facility with the waiver and conditional upon approval of the Conservation Commission, conditional upon DPW approval, conditional upon the Unit Count being reviewed by the Planning & Development Director, conditional upon any other conditions that may arise from Department Heads based on the new information just received, and that the Planning Director to review the conditions prior to the Certificate of Occupancy being issued. Mr. Ciccone seconded. Vote 7.0. Motion carried.**



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

- Mr. Ciccone made a motion to approve the waiver for use of a landscape architect. Mr. Carignan seconded. Vote 7-0. Motion carried.
- Mr. Ciccone made a motion to approve the Site Plan Application for 37 Carter Street, Map 47, Parcels 1 & 2, Leominster Emergency Management parking plan with the waiver and conditionally upon all Department Head comments and that the Planning Director reviews all conditions before the Certificate of Occupancy is issued. Mr. Carignan seconded. Vote 7-0. Motion carried.

### **6.0 COMMUNICATIONS**

#### **6.1 Montachusett Regional Planning Commission-Board to appoint rep for the July 1, 2023-June 30, 2024 term.**

- Mr. Carignan made a motion to nominate Dean Valliere as the MTPC representative. Mr. Ciccone seconded. Vote 7-0. Motion carried.

#### **6.2 Montachusett Joint Transportation Committee (MJTC) Representative-Board appointed Elizabeth Wood as a representative for the July 1, 2023-June 30, 2024 term, first reading.**

- This was already voted on at the last meeting, it is on the agenda as a matter of procedure.

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

#### **7.1 Planning & Development Directors Report for June 20, 2023**

- None

### **8.0 EXECUTIVE SESSION**

#### **8.1 Sawyer Way: Day Street Subdivision: Executive session under General Laws Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to threatened litigation regarding New England Land Co., LLC and the work performed at Sawyer Way, as an open meeting may have a detrimental effect on the litigating position of the City, if the chair so declares. The Planning Board will not reconvene open session at the conclusion of the executive session.**



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- **Mr. Ciccone made a motion at 7:37 p.m. to go into Executive session to discuss Sawyer Way: Day Street Subdivision: Executive session under General Laws Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to threatened litigation regarding New England Land Co., LLC and the work performed at Sawyer Way, as an open meeting may have a detrimental effect on the litigating position of the City, if the chair so declares. The Planning Board will not reconvene open session at the conclusion of the executive session. Mr. Carignan seconded. Roll Call Vote was taken. Mr. Souza was not present, and Ms. Wood stated excused. Mr. Pare stated yes. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso stated yes. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 7-0. Motion carried.**

**9.0 ADJOURN**

- 9.1 The next meeting is currently scheduled for Tuesday, July 17, 2023, 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 Monday, July 10, 2023 @ noon.