



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>

RECEIVED  
LEOMINSTER CITY CLERK  
2023 AUG 22 AM 11:33

**MEETING MINUTES  
PLANNING BOARD MEETING  
JULY 17, 2023 @ 6:30 P.M.**

**MEMBERS PRESENT**

John Souza, Chairman

Carol Vittorioso, Vice Chair

Patrick Perla

Salvatore Ciccone

Paul Weizer

Dean Valliere

Jason Pare

Thomas Carignan

**MEMBERS EXCUSED**

**STAFF PRESENT**

Stephanie Whitten, Clerk

Elizabeth Wood, Director

*Notes:*

*- Carol Vittorioso, Dean Valliere, and Paul Weizer all participated at this meeting remotely via telephone.*

*- Scribe for this 7/17/23 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk*

**SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS**



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>

### 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 6:35 p.m.
- Ms. Wood stated that we received a request from the engineer to continue this until our next meeting, 8/21/23.
- **Mr. Pare 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 August 21<sup>st</sup> at 6:30 p.m. Mr. Carignan seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**

### 1.0 **CALL TO ORDER**

- Call to Order was done at 6:36 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 stated here. Mr. Valliere stated here. Mr. Carignan stated here. 8 Planning Board Members were in attendance.

### 2.0 **EXECUTIVE SESSION**

2.1 **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 reconvene open session at the conclusion of the executive session.**

- Mr. Souza stated that they will be going into Executive Session. Mr. Souza read 2.1 aloud for the record.

### 3.0 **MINUTES OF PREVIOUS MEETINGS**

#### 3.1 **June 5, 2023**

- **Mr. Perla made a motion to accept these minutes. Mr. Pare seconded. Roll Call Vote was taken: Mr. Souza stated yes. Mr. Pare stated yes. Mr. Ciccone stated yes. Mr. Weizer stated yes. Mr. Perla stated yes. Ms. Vittorioso stated**



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>

**yes. Mr. Valliere stated yes. Mr. Carignan stated yes. Vote 8-0. Motion carried.**

### 4.0 PLANS SUBMITTED

#### 4.1 ANR for Pleasant Street, Map 381, Parcel 9 and Map 381, Parcel 2E

- Alfred Berry, PLS, was the representative for this application.
- **Mr. Ciccone made a motion to endorse. Mr. Carignan seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**

#### 4.2 ANR for Brooks Pond Road, Map 317, Parcels 2E-1A1, 2E-1B1, 4D-2A, 4E-2C, 8, and 9

- William Hannigan from Hannigan Engineering was the representative for this application.
- Mr. Hannigan stated that this is a slight revision of the plan that was previously endorsed for creating lots 8 & 9.
- Mr. Hannigan stated that lots 8 & 9 are now becoming lots 8A & 9A.
- Mr. Hannigan stated that when they went through the Site Plan process the building and the parking became a little bit different and what we did was make sure that the parking was on the lots.
- Mr. Hannigan stated that in order to do that we had to adjust the lot lines to create lots 8A and 9A.
- Mr. Hannigan stated that when we submitted the other plan it was requested that there be an analysis done for the remaining land, which is about the Residence C apartment complex.
- Mr. Hannigan stated that in the letter they submitted it stated the following:
  - Lot 2E-1A1 has no change; units constructed 30.
  - Lot 2E-1B2 has a slight change in the lot lines (formerly lot 2E-1B1), units constructed 30.
  - Lot 4D-2B had changed (formerly lot 4D-2A); units constructed 211.
  - Lot 4E-2D has changed (formerly lot 4E-2C); units constructed 126.



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>

- Mr. Souza asked Mr. Hannigan how many units were there now.
- Mr. Hannigan stated that there are 439 units. (Calculations: 30+30+211+126+21+21)
- **Mr. Perla made a motion to endorse. Mr. Ciccone seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**

### **4.3 Pierce Street Definitive Subdivision Application for Pierce Street, Map 575, Parcel 1**

- **Mr. Perla made a motion to schedule this application on 8/21/23 at 6:35 p.m. Mr. Ciccone seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**

## **5.0 OLD BUSINESS**

### **5.1 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 8/21/23 @ 6:30 p.m.

## **6.0 NEW BUSINESS**

### **6.1 None**

## **7.0 COMMUNICATIONS**

### **7.1 City Council Petition 13-18: Accept the deed for Katie Lane and request the street be taken by eminent domain by the City of Leominster. Petitioner offers to pay any legal fees that may be incurred. (Tabled 11/27/2017). *Planning Board to make recommendation to City Council.***

- Ms. Wood stated that there is an email from the DPW in their packets.
- Ms. Wood stated that per John Roseberry it is going to cost \$41,387.64 to cover the remaining work on Katie Lane.
- Mr. Carignan asked if there was a bond.
- Ms. Wood stated that we are holding \$41,387.64.
- Ms. Wood stated that the developer was supposed to finish the work, as there is an access road that has to be constructed through the drainage easement as stated in the email from John Roseberry.



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>

- Ms. Wood stated that the plan needs to be finished and the documents need to be drawn up.
- Mr. Souza stated that before the City can accept, the deeds have to be complete.
- Mr. Ciccone stated that the deeds have been completed and there are copies of them in the packet.
- Ms. Wood stated that they released \$75,000 because they completed some work.
- Ms. Wood stated that we had the work inspected and it was done, but outstanding is \$41,387.64 worth of work that has to be done.
- Mr. Souza stated that we have to make sure the work gets done.
- Ms. Wood stated that the work has not been done yet.
- Ms. Wood stated either the work has to get done or the money has to be taken before you transfer the deeds.
- Ms. Wood stated that they are jumping ahead.
- **Mr. Ciccone made a negative recommendation for this petition; the reason being that the work in the amount of \$41,387.64 must be completed on Katie Lane prior to acceptance of the deeds. Mr. Carignan seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**

**7.2** 155 Tanzio Road: Planning Board voted on 5/15/23 to grant a 60-day extension to receive a Site Plan Modification and Special Permit, Deadline to submit was 7/10/23. The deadline was not met. *Planning Board to advise next course of action.*

- Ms. Wood stated that this is their second extension.
- Mr. Hannigan of Hannigan Engineering stated that he asked the applicant not to come to the meeting as there are some extenuating circumstances on why they have not filed.
- Mr. Hannigan stated that being said, he did a site walk and the ordinance states that there should be no unregistered vehicles on the property, and when he looked at the vehicles, they all had plates.
- Mr. Hannigan stated that whether they are active or expired plates, he could not really tell.
- Mr. Hannigan stated that if they are active plates, he doesn't really need to file it until he wants to put unregistered vehicles on the site.



**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>

- Mr. Hannigan stated that he talked to the applicant and his attorney, and they are going to submit an application.
- Mr. Hannigan stated that he intends on submitting the applications for 8/21/23 and then it will be heard in September.
- Mr. Hannigan stated that he told the applicant not to have any unregistered vehicles on the property and as long as he does that he is not in technical violation, but he still wants to be able to do so he has to come back to the Board.
- Ms. Wood stated that she went out there today and there were at least 12 trailers on the property.
- Mr. Hannigan asked if they were registered.
- Ms. Wood stated that she was not sure.
- Ms. Wood stated that he was only approved for 11 paved parking spaces.
- Mr. Hannigan stated that has nothing to do with the storage.
- Mr. Hannigan stated that the parking spaces are relative to the use within the building.
- Ms. Vittorioso asked Mr. Hannigan the difference between parking and storage.
- Mr. Hannigan stated that the parking is relative to the use within the buildings.
- Mr. Hannigan stated that there was one parking space allotted to the storage and the other 10 spaces were allotted for the contractor bays/buildings.
- Mr. Hannigan stated that the one space is in compliance for what he has built so far, but he is not in compliance if he puts a bunch of unregistered vehicles there, therefore we have to come in for a special permit for that particular use.
- Mr. Hannigan stated that he will be filing that for the August meeting.
- Ms. Vittorioso stated it is a matter of semantics, in her opinion you are using two terms that mean the same thing.
- Mr. Pare stated that he does not know that is the case, as they have 11 parking spaces for storage unit customers, and then we have a storage unit where people are putting their cars or RV's all season, so those vehicles are being stored.
- Mr. Hannigan stated that there is one parking space for the person who is going to be working in the office for the storage unit building, and the ten spaces were for a separate building/buildings on the property.



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>

- Mr. Hannigan stated that he does not want those 10 spaces for the other buildings to be confused with allowing him to store ten unregistered vehicles on the other part of the property.
- Mr. Hannigan stated that at this point in time he asked the Board to take no action, as he will be filing a plan for the next meeting.
- Mr. Carignan asked Mr. Souza if he was ok because it is a storage unit.
- Mr. Souza stated that you cannot have more than two unregistered vehicles on a lot.
- Ms. Wood stated that Mr. Hannigan would need to submit by noon on the 14<sup>th</sup> of August.
- **Mr. Pare made a motion to extend to 8/14/23 by noon. Mr. Carignan seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**

**7.3** Montachusett Regional Planning Commission-*Board appointed Dean Valliere for the July 1, 2023-June 30, 2024 term, first reading.*

- This posting is for procedural purposes only.

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

This posting is for procedural purposes only.

## **8.0** DIRECTOR'S REPORT

### **8.1** Planning & Development Directors Report for July 17, 2023

#### **8.1.1** Summer Meeting Schedule

- Ms. Wood provided the Board with a copy of the meeting schedule for the remainder of the 2023 calendar year.

## **9.0** EXECUTIVE SESSION

### **9.1** None

## **10.0** ADJOURN



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>

**10.1** The next meeting is currently scheduled for August 21, 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, August 14, 2023 @ noon.

- **Mr. Ciccone made a motion to adjourn at 7:35 p.m. Mr. Carignan seconded. Roll Call Vote was taken: Mr. Souza stated yes. 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 8-0. Motion carried.**