

HEARING BEFORE THE CITY COUNCIL AUGUST 25, 2008

Hearing opened at 6:50 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present. Councillor Dombrowski arrived late.

This hearing is a continuation from July 14, 2008.

The following PETITION was the subject o the hearing:

95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes.

Councillor Rowlands said since the last meeting they received a recommendation from the Planning Board that listed a few items they wanted further discussion on. He said they had a joint meeting and discussed the points and there was a minor revision. The wording says "Site Plan is required" in the old and the new will say "Site Plan is contingent upon requirements of a Site Plan in section 22.48. He said under the Table of Uses there is confusion which shows hotels "yes" in industrial and only being allowed in large mixed use projects. The change is for a new column "yes" under Industrial and Mixed-Use. He said 1.2 has been released and everyone should have a copy.

Councillor Rowlands read another letter from the Planning Board which requests that changes to the Mixed Use wait until VHB has completed the rezoning project. A letter from Gregg Lisciotti was attached. Letters received from Mr. Lisciotti dated July 22, 2008 and July 25, 2008 were read and entered into the record.

Councillor Rowlands said our definition of Mixed Use is very different from others. Many developers do not realize it is an overlay district. He said we need to clarify allowed uses, allow for more uses which are not addressed and put all uses in the hands of the Planning Board. He said a major area change is to make industrial more expensive and put in line with other communities.

Councillor Rowlands read a letter from Frank Montolio endorsing this petition.

No one in the audience spoke in favor or in opposition.

No Councillors spoke.

MEETING ADJOURNED AT 7:09 P.M.

---

Lynn A. Bouchard, City Clerk  
And Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL AUGUST 25, 2008

Hearing opened at 7:15 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

Present at the hearing was Mr. Bolio, President of BRJ Ltd. Inc.

The following PETITION was the subject o the hearing:

5-09 Robert Bolio, President BRJ Ltd.: Grant a Special Permit for a Mixed Use Development Project to allow 70% Commercial use and 30% Industrial use at 39 Spruce Street located in an Industrial zone and shown on Assessor's Map 20, as Lot 14.

Councilor Rowlands read the recommendations from the Department of Public Works, the Building Inspector, the Conservation Commission, the Health Director, the Planning Board, the Police Department and the Fire Department.

Mr. Bolio said he has 18,000 square feet of space and utilizing 5,400 square feet for his own business. He said most of the inquiries are for retail. He said for the past three or four weeks T. J. Plumbing has been doing work tying the fire system into Emergency Signal and then to the fire department. He said there is parking for 39 vehicles. He said he has talked with hardware store and furniture store about the property.

Councillor Rowlands asked Mr. Bolio to describe the types of businesses that are in there now.

Mr. Bolio said he is using part of it for his business which is located on the left side of the plan. He said the rest is empty space.

Councillor Rowlands asked how high the ceilings were.

Mr. Bolio said fourteen feet.

Councillor Rowlands asked if the fire sprinkler system was for the whole building.

HEARING BEFORE THE CITY COUNCIL AUGUST 25, 2008, continued

Mr. Bolio said yes.

Councillor Marchand said he conveys his support and the only question he has is the percentage.

Councillor Tocci asked how many stories the building is.

Mr. Bolio said cellar, first floor and a small level above office. He said the basement won't be used and it has a sprinkler system.

Councilor Nickel congratulated him in the job that has been done. He said it is now an asset to the neighborhood. He said we did send a request for recommendation to the Police Department but it was not a mandatory referral. He said he noticed in back of the brick building the property line is 1.7 feet and expressed concerns with noise.

Councillor Lanciani said what you have done is improved the neighborhood and he spoke in support.

Councillor Dombrowski asked where the moving trucks park.

Mr. Bolio said right now they are parking in the front of the building. He said the revised plan shows 39 parking spaces.

Councillor Rowlands asked for ten copies of the revised plan.

Councillor Tocci asked if there was any request for office space.

Mr. Bolio said no.

Councillor Marchand asked Mr. Bolio if the formula for Mixed Use of 70-30 was okay.

Mr. Bolio said yes.

No one in the audience spoke in favor or in opposition of this petition.

HEARING ADJOURNED AT 7:40 P.M. AND CONTINUED TO SEPTEMBER 22, 2008 AT 7:15 P.M.

---

Lynn A. Bouchard, City Clerk  
And Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL AUGUST 25, 2008

Hearing opened at 7:40 P.M. with Councillor Rowlands, Chairman of the Legal Affairs Committee presiding.

All members were present.

This is a continuation of the public hearing held on August 11, 2008.

The following PETITION was the subject of the hearing:

2-09 David M. Barry: Grant a Special Permit to remove 3,030 sq. ft. of an existing building and replace it with 3,675 sq. ft. of new building at 44 Pond Street, located in the Flood Plain and shown on Assessor's Map 7, as Lot 5.

Jamie Rheault from Whitman and Bingham was in attendance representing the applicant.

Mr. Rheault said he walked the site with the Conservation Agent, Joanne DiNardo. He said that they will be appearing in front of the Conservation Commission on Wednesday, August 27, 2008.

Councillor Rowlands read the recommendation from the Planning Board which stated that they recommend approval. He also read the recommendation from the Conservation Agent which states "This project is within an area that is under the jurisdiction of the Conservation Commission as granted by MGL CH 131§ 4. As such any work on the property will require Conservation Commission approval. The project has already been assigned DEP 199-892 and the hearing is scheduled for August 27<sup>th</sup>".

Councillor Marchand asked what the timeline for this project was.

Mr. Rheault said they are planning to start this fall once all permits are obtained.

No one in the audience spoke in support or opposition.

HEARING ADJOURNED AT 7:43 P.M.

---

Lynn A. Bouchard, City Clerk  
And Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 25, 2008

Meeting called to order at 8:00 P.M.

Attendance was taken by a roll call vote; all members were present.

A recess was called at 8:08 P.M. to recognize Armand Millette for his 35 years of service as a Planning Board member. A citation was presented to Mr. Millette from the City Council. John Souza, Chairman of the Leominster Planning Board, presented a citation from State Representative Jennifer Flanagan and Senator Robert Antonioni.

The Meeting reconvened at 8:23 P.M.

A motion was made and seconded to go into Executive Session under the provisions of Chapter 39, Section 23B of the Massachusetts General Laws. Voted by roll call. Vt. 9 "yeas". The Council President Marchand said the regular meeting would reconvene at the conclusion of the Executive Session.

The Meeting reconvened at 9:08 P.M.

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-13 Relative to the appropriation of \$16,000.00 to the Sanitation and Drainage Account; same to be transferred from the Emergency Reserve Account.

The following PETITIONS were received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

9-09 Gregory C. Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for Payroll Services for a six-year period.

10-09 Gregory C. Chapdelaine, Purchasing Agent: Allow the Purchasing Agent to award a contract for Ambulance Billing Services for a six-year period.

The following APPOINTMENT was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

Emergency Management - Administration Unit - Dustin Smith

Councillor Rosa, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Emergency Reserve:	\$139,000.00
Stabilization Account:	\$8,712,152.38
Interest Earned:	\$362,471.88

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 9 "yeas"

C-1 Relative to the appropriation of \$55,000.00 to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

ORDERED: - that the sum of Fifty Five Thousand Dollars (\$55,000.00) be appropriated to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

C-7 Relative to the appropriation of \$51,226.00 to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund.

ORDERED: - that the sum of Fifty One Thousand Two Hundred Twenty Six Dollars (\$51,226.00) be appropriated to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Fund Account.

RE: Gallagher Building Craftsman; \$49,226.00 for Salary and \$2,000.00 for Overtime

C-8 Relative to the appropriation of \$61,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

ORDERED: - that the sum of Sixty One Thousand Dollars (\$61,000.00) be appropriated to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Fund.

RE: Yearly expenses for the Gallagher Building

C-9 Relative to the appropriation of \$45,000.00 to the Assessor's Expense Account; same to be transferred from the Emergency Reserve Account.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 25, 2008, continued

ORDERED: - that the sum of Forty Five Thousand Dollars (\$45,000.00) be appropriated to the Assessor's Expense Account; same to be transferred from the Emergency Reserve Account.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was AMENDED and GRANTED AS AMENDED. Vt. 9 "yeas". Amended to read as follows:

- C-3 Mayor Dean J. Mazzarella: That in order to allow for the Bridge Replacement project on Mechanic Street over the Nashua River, the Council adopt and order taking by eminent domain rights as shown on a plan entitled: "Plan of Easements and Takings Over Properties Owned by William Lane & Richard Comerford, Bryon J. Testa, Jeanne A. King, Loretta L. Dunkum, City of Leominster, Commonwealth of Massachusetts and Pam Plastic Corporation, Mechanic Street, Leominster Massachusetts," dated August 8, 2008, prepared by Cullinan Engineering, and award damages resulting from the taking to Bryon J. Testa in the amount of \$13,250.00 (T-3-C, D-3-C, and TE-5-C) to "owners unknown" in the amounts of \$600.00 (TE-3-C) and \$1,675.00 (TE-2-C), and to D.H. Adams Co., Inc. in the amount of \$3,950.00 (TE-1-C)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

- C-4 Mayor Dean J. Mazzarella: Consider entering into an agreement to obtain rights associated with properties located at 473 Florence Street and 475 Florence Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

- C-10 Dean J. Mazzarella, Mayor: Request that the Mechanic Street layout plan prepared by Cullinan Engineering for the Mechanic Street Bridge Project be accepted.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED. Vt. 8 "yeas" and 1 "nay"; Councillor Freda opposed. Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 6 "yeas" and 3 "nays"; Councillors Salvatelli, Marchand and Lanciani opposed. Amended to release 1.2 dated 8/20/08

- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED WITH CONDITION. Vt. 9 "yeas". Conditionally upon approval from the Conservation Commission.

- 2-09 David M. Barry: Grant a Special Permit to remove 3,030 sq. ft. of an existing building and replace it with 3,675 sq. ft. of new building at 44 Pond Street, located in the Flood Plain and shown on Assessor's Map 7, as Lot 5.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 9/0

- 3-09 John M. Dombrowski: Amend Chapter 21 of the Revised Ordinance entitled "Water and Sewers" by amending Section 21-13 (b) and 21-13 (h) relative to water service and the responsibility of the installation, maintenance, repair, renovation or replacement of the service pipe, stopcock, valve and other fixtures.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 9/0

- 5-09 Robert Bolio, President BRJ Ltd.: Grant a Special Permit for a Mixed Use Development Project to allow 70% Commercial use and 30% Industrial use at 39 Spruce Street located in an Industrial zone and shown on Assessor's Map 20, as Lot 14.

Upon request of the LEGAL AFFAIRS and WAYS & MEANS COMMITTEES the following PETITION was given FURTHER TIME. Vt. 9/0

- 6-09 Kate Griffin Brooks: Requests that the City Council consider the adoption of the 43D Policy to formalize the agreement the City has with the State regarding the Expedited Permitting provisions of M.G.L. c. 43D.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

- 7-09 James Lanciani Jr.: Allow the Leominster Lions Club to install eight signs throughout the City of Leominster.

REGULAR MEETING OF THE CITY COUNCIL, AUGUST 25, 2008, continued

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATIONS was GRANTED and ORDERED. Vt. 9 “yeas”

C-11 Relative to the appropriation of \$5,641.01 to the C.D.B.G. Housing Construction Expense Account; same to be transferred from the following C.D.B.G. Accounts:

L.H.A./F.L.A.S.H. Program \$4,900.00  
Energy Assistance Program 1.00  
State Pool Program 740.00  
Montachusett Addiction Program .01

ORDERED: - that the sum of Five Thousand Six Hundred Forty One Dollars and Once Cent (\$5,641.01) be appropriated to the C.D.B.G. Housing Construction Expense Account; same to be transferred from the following:

L.H.A./F.L.A.S.H. Program \$4,900.00  
Energy Assistance Program 1.00  
State Pool Program 740.00  
Montachusett Addiction Program .01

Upon recommendation of the WAYS & MEANS COMMITTEE, the following COMMUNICATION was GRANTED. Vt. 9/0

C-12 Dean J. Mazzearella, Mayor: Request that Colin Davis be exempt from the provisions in M.G.L. Chapter 268A (20B) Conflict of Interest as he is currently employed by the City of Leominster School Department and will be taking on a position at the Recreation Department.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following PETITION was GRANTED. Vt. 9/0

8-09 Jon Andrea Zajon and George Boulgabian: Grant a second hand dealer license to George’s Fine Jewelers at 255 North Street.

Under New Business: Councillor Freda said the Council would like to express condolences to Jack Celli in the loss of his parents.

Councillor Rowlands said he received an email regarding the transfer station. He said the person went there to drop off yard waste and was handed a flyer saying services will end Friday. He said the contract for our trash with Waste Management will be done at the end of the month. A vote was taken to request Mayor Mazzearella, Health Director Chris Knuth and Purchasing Agent Greg Chapdelaine to come to the September 8, 2008 meeting for information to share with the community regarding the contract for trash.

Subcommittee meetings were established for September 8, 2008.

6:30 P.M. Finance Committee

6:35 P.M. Legal Affairs and Finance Committee. A vote was taken to have Greg Chapdelaine to attend. Vt. 9/0

6:40 P.M. Legal Affairs

Councillor Marchand said there will be a Special Legal Affairs Subcommittee meeting regarding the Healthcare Overlay District on August 27, 2008 at 7:30 P.M. in the Council Chambers.

Councillor Marchand said that back in July Petition #105-08 regarding Solar Power Commission was granted. He said he has since established the President’s Solar Power Park Exploratory Committee. He said Councillor Tocci will Chair the Committee, Councillor Dombrowski will be the Clerk and Councillor Nickel as 3<sup>rd</sup> member.

Under Old Business Councillor Dombrowski said the President’s Drinking Water Oversight Committee meeting has been changed to September 18, 2008 at 7:00 P.M.

Councillor Freda said the Blue Star Mothers had their second anniversary. She said the membership went from 2-3 people, who started the group, to over a 100 active members. She said it was an excellent celebration. She said the Ladies Night Out was a fun night also.

MEETING ADJOURNED AT 10:43 P.M.

---

Lynn A. Bouchard, City Clerk  
And Clerk of the City Council