

HEARING BEFORE THE CITY COUNCIL, MARCH 30, 2009

Hearing opened at 6:30 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee presiding.

All members were present except Councillor Nickel who did not attend due to a possible conflict of interest.

Present at the hearing were David Duncan, Patrick Muldoon and the City Solicitor Brian Riley of Kopelman & Paige.

This hearing is continued from March 2, 2009.

103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

Councillor Rowlands spoke of the format that will be taken for the hearing, the special meeting and the ordinance if the petition is passed. He said he was very thankful for the professional decorum of the neighbors and the petitioner, Health Alliance.

Councillor Rowlands said at previous hearings favorable recommendations from the Building Inspector, the Health Inspector, the Department of Public Works, the Planning Department, the Police Department, the Fire Department and the Mayor were read into the record. He said at one point there was a negative recommendation from the Building Inspector and then a favorable one. He said he visited Mr. Cataldo today to bring him the new plan and they discussed the recommendation. It was his recommendation to grant the petition with a notation that the construction must be type 1A or 1B only. Councillor Rowlands explained that it is a non-wood non-flammable type construction which is what we would be expecting in that location. A copy of the Building Code regarding to this construction was provided by Mr. Cataldo for the Councillors.

Councillor Rowlands read a letter received from the Mayor dated March 30, 2009.

Dear Members of the City Council:

I am writing to express my full support of the hospital expansion project.

HealthAlliance Hospital is a true asset to our community. Not only does it serve as a critical part of our economic engine, the hospital administration has made a commitment to analyzing and addressing the needs of our region.

As you know, the trend in the health care industry over the past twenty years has been regionalization and consolidation. As the mayor, I am grateful that our region has been able to maintain a healthcare network right here in the Twin Cities. Since the hospital merger, HealthAlliance has been able to expand its services including a state of the art cancer center on the Burbank Campus.

HealthAlliance provides solid jobs to our region. Many of the personnel have worked at the hospital for their entire careers and have helped the hospital and the health care industry adapt to necessary changes. Most importantly, I believe residents of the region feel that they receive high-quality health care from HealthAlliance whether it is through the emergency room, specialized care or their affiliated physicians.

Perhaps critical to the facility and the region is Health Alliance's ability to pay attention to the needs of the community. They have become a leader in women's health, cancer treatment and health education. One such example of addressing specific needs of incoming patients is the separation in the Emergency Room. Under the expansion, patients entering the Emergency Room will be assigned to areas for non-urgent care, mental health issues and general sickness. Under this new system, emergency services will flow much better and provide patients with the necessary privacy in all situations.

HealthAlliance has spent a tremendous amount of time addressing the concerns of the neighborhood. I believe many of the concerns were valid and I commend both the neighbors for bringing the potential problems to light and HealthAlliance for taking the time to amend their plan wherever possible to address these concerns.

I would respectfully ask the council to vote in favor of this petition this evening. HealthAlliance has been a leader in healthcare for our region and helps drive our economic engines. I believe their expansion efforts will provide us with an even stronger healthcare delivery system in the future.

Thank you.

Sincerely,
Dean J. Mazzarella, Mayor

Mr. Muldoon gave a special thanks to Councillor Marchand for all of his direction over the past several months and also to Peter Latches, John Griffin and all the neighbors. He said there are substantial changes to the parking and landscaping particularly on Memorial Drive and along the area abutting the back of the houses on DiMassa Drive.

Mr. Duncan said they made substantial changes mostly around the needs of the abutters. He said the first big change was a permanent buffer added around the two houses at the corner of McKay and Washington Streets. He said the permanent buffer means that unless the hospital owned both properties they could not come back to the City Council to ever move the buffer zone. He said that theory goes through the whole plan. He said the property owned by Mr. Gove behind McDonald's was given a permanent buffer around it. He said it is a fifty foot buffer all the way around the property which is the exact same thing as McKay Street. He said that buffer stays in place unless the hospital purchases the property and if the owner ever sells the property the buffer stays in place permanently. He said the overlay goes over the Gove's property so if ever the hospital purchases the property the overlay is there and they will not have to come back to the City Council.

Mr. Duncan said it was very evident that the neighbors on DiMassa Drive were not interested in having a parking lot in the mound

behind them so they slid Memorial Drive 22 feet into the mound making enough room to create a parking lot south of Memorial Drive. He said they were able to pick up a dozen more parking spaces than if they put it in the hill. He said the parking lot is safer for pedestrians getting to the hospital building and they eliminated the straight shot of the road going out to Nelson Street which has the potential to entice people to go down the main Hospital Road instead of everyone going out to Nelson Street. He said in order for them to do that they agreed to develop a permanent buffer zone behind DiMassa Drive. Mr. Duncan said the buffer zone went from 70 feet to 117 feet 5 inches so the residence on DiMassa Drive have an increased buffer zone.

Mr. Duncan said the neighbors were not comfortable with the landscaping plan. He said Health Alliance hired Andrew Leonard, a professional landscaper, and a beautiful landscaping plan has been developed between DiMassa Drive and Memorial Drive and the new parking lot. Mr. Duncan said after cleaning up after the storm it opened up the area more than what was anticipated so they committed to doing a Phase 1 of the landscaping plan behind the Griffin's house and behind the third house in. He said Phase 1 will be done prior to the end of summer and the abutters will be able to see how it looks and grows and will be able to modify, add, tweak or delete before they do the rest of the landscaping plan. Mr. Duncan said at the end of the buffer zone they potentially, some years out, could put a building right on the edge and the neighbors were quite nervous about that so they created a no build no parking zone.

Mr. Duncan said the biggest thing they accomplished was a complete new format of the plan. They tried to make the plan simple so it can be followed. The format change was to simplify it, everything that was agreed to was put on the plan so there is a note around McKay Street describing exactly what was agreed to, a note around the Gove property describing what was agreed to and two notes around the DiMassa Drive neighbors and what they have agreed to. He said there is an insert showing the parking concept design that goes next to Memorial Drive and an Insert B showing the landscaping plan and where it will be inserted. He said every time they agreed on something they put it as a condition and listed them as 1-8 on the plan. He said the last thing they did on the plan was to add a legend and definition. He said the last condition is when it is approved it will be recorded at the Registry of Deeds and copies will be made and distributed to the neighbors so they can have copies at their homes and if they have any questions it is all on the plan.

Mr. Duncan said there were questions regarding traffic on Nelson Street and Route 12 and at previous meetings he said he would be the coordinator and get the City, the State, CVS, McDonald's, and the Watertown Plaza together and would facilitate them working as a group to come up with a resolution to improve the Nelson Street/Route 12 intersection.

Mr. Muldoon said they are a good community hospital striving to become excellent and they take their mission very seriously to provide excellent care and service to all the members of the community regardless of their ability to pay, regardless of their cultural beliefs, and they provide excellent service and excellent quality to all members of this community. He said they are also very conscious of the economic impact that they have in North Central Massachusetts and they want to strengthen the economy of Central Massachusetts in providing additional health care services to the community. He said they want to be good neighbors and feel they have demonstrated it through this process and said they appreciate their candor and their feedback and feel they have a better plan because of the input of the neighbors.

Councillor Rowlands said if the petition is passed a $\frac{3}{4}$ vote is necessary to put into ordinance form because of the written protest filed by the abutters. He said normally a change in zoning requires a $\frac{2}{3}$ vote. He said we could pass the petition with a $\frac{2}{3}$ vote but to be put into ordinance form a $\frac{3}{4}$ vote is required. He read the following letter from David Duncan, Health Alliance Hospital, dated March 24, 2009.

Dear Councilor Nickel:

Health Alliance is pleased to submit the attached amendments to the petition submitted to the City Council for its consideration on June 19, 2008. The proposed amendments are the result of meeting and discussions with our abutters and with members of the various agencies of the City and with the input of the Ward Councilor and members of the Council.

Health Alliance appreciates and thanks each and every person involved for their interest, suggestions and support for the attached amendment.

Health Alliance looks forward to action by the City Council.

We trust that the information is sufficient for the Council to consider and we look forward to action by the Council on the modified petition and plan.

Respectfully,
David Duncan
Corporate Vice President Facilities

March 24, 2009
To: Wayne Nickel, City Council President
From: David Duncan, Patrick Muldoon & Gain M. Allen Petitioners
RE: Requested Modification to Petition #103-08

AMEND THE CITY COUNCIL PETITION:

After the date on June 19, 2008 as stated in two locations insert: "as revised through March 30, 2009."

AMEND EXHIBIT A TO THE PETITION BY DELETING EXHIBIT A DATED JUNE 19, 2008 AND REPLACING IT WITH THE FOLLOWING EXHIBIT A

**EXHIBIT A
TO
CITY COUNCIL PETITION DATED JUNE 19, 2008
AS REVISED THROUGH MARCH 30, 2009
MODIFICATION TO THE HEALTH CARE OVERLAY DISTRICT
ARTICLE XIII**

Health Alliance submits this Petition to Modify the Existing Health Care Overlay District, (the "HCOD"), Article XIII as indicated below:

1. To extend the HCOD Boundaries and its Development Envelope to the sideline of Nelson Street, North Main Street, Washington Street, and St. Jean Street between Washington Street and Arlington Street; as shown on the attached Plan entitled Proposed Modification to the HCOD Boundary and HCOD Development Envelope, prepared by Whitman and Bingham Associates, RLS dated June 19, 2008 (the "W&B Plan") and to set the Development Limit as provided in Section 96.2 paragraph 2 at 300,000 square feet and to modify HCOD Boundaries and its Development Envelope.
2. To correct a typing error in the original document Section 22-92.2 Dimensional Requirements: Existing Definition Of "Maximum Height: The greater of 7 stories or 98 feet to be changed to "The greater of 5 stories or 98 feet with the remainder of the sentence unchanged.
3. Add the following Definition to the Health Care Overlay District Definition: "k" Story. The distance in feet from the surface of a building floor to the next successive building floor or in the case of the uppermost floor from the surface of the uppermost floor to the surface of the roof deck."
4. In accord with Section 22-96, Designation of Development Envelope, Subparagraph 96.2 "To designate an additional Development Envelope named "Development Envelope #2" as shown on the W&B Plan referenced in this petition.
5. Modify Section 92.2 Dimensional Requirements by adding the following to the Minimum Front, Side and Rear Yard and indicate that the dimension requirements shown in the Table apply to Development Envelope #2.
 - a. Building Height-Seven stories (7) with 18 feet between floors and with a maximum height of 126 feet.
 - b. To modify Section 92.2 Dimensional Regulations by adding the following to the Minimum Front, Side and Rear Yard as applicable to the DE#2.

Minimum Lot Width, Minimum Lot Area and Minimum Lot Frontage: Not required for Internal Building Envelope.

Minimum Yard: Front, Side and Rear-None required for Internal Building Envelope.

Maximum Height: 7 stories or 126 feet

Development Limit: 300,000 square feet.

Ground Floor Location and Elevation: The location and Zero Elevation for the purposes of calculating building height and elevation shall be the current floor elevation of 453.9 as measured at Entrance D Lobby as indicated on the W&B Plan.

6. In accord with Section 22-96, Designation of Development Envelope, Subparagraph 96.2 "To designate an additional Multi Use Area "MUA". The location of the MUA is as shown on the W&B Plan referenced in this petition.
7. Modify Section 92.2 Dimensional Requirements by adding the following to the Minimum Front, Side and Rear Yard and indicate that the dimension requirements shown in the Table apply to the MAU as follows:
 - a. Minimum Lot Width: None
 - b. Minimum Lot Area: None
 - c. Minimum Lot Frontage: 25
 - d. Maximum Height: 5 stories or 98 feet
 - e. Minimum Yard:

Building Ht.	Front	Side	Rear
2 ½	20	15	30
3 ½	35	30	40
5	50	50	50
 - f. Minimum Setback from Development Envelope: 15 Feet
 - g. Development Limit: 100,000 Square Feet
8. To modify Section 22-95, Permitted Uses by adding the following Sub-paragraph 95.3 Commercial Uses: Commercial Uses. Uses customarily allowed in the Commercial – C District of the City of Leominster shall be permitted within the Multi-Use Area Development Envelope, subject to the requirements of Article XI: Parking and Off Street Loading.

Councillor Tocci if the buffer will be a stone wall or gradual like it is now?

Mr. Duncan said the slope is going to be as it is now with vegetation planted.

HEARING BEFORE THE CITY COUNCIL, MARCH 30, 2009, continued

Councillor Tocci thanked and commended Mr. Duncan for helping the neighborhood come to an agreement.

Councillor Dombrowski thanked the hospital and the neighbors for the cooperation. He asked the City Solicitor if he has reviewed the information.

Attorney Riley said yes.

Councillor Dombrowski said to Attorney Riley in the plan the notes that you eluded to in the margin seem to contain some terms and conditions and in order for them to be binding do you think they need a covenant to run with the land or something that should be drafted in addition to these notes or are you comfortable with just the notes?

Attorney Riley said the notes will be on the plan and recorded as stated. He said it sounded to him like the petitioners were going to draw up an agreement between the hospital and the residents which would be more appropriate.

Councillor Dombrowski asked Mr. Duncan if they planned to have separate agreements.

Mr. Duncan said they will do whatever is required. He said they tried to keep it simple and keep it all on the plan and since the plan was going to be registered the notes on the plan are part of the approval. We were trying to go simple and appropriate.

Councillor Dombrowski said he feels that a covenant should be looked at.

Mr. Muldoon said those are our intentions and we wanted to have everything on one piece of paper that would get registered. He said if there is complimentary documents that you would like, these are our intentions, we would be happy to repeat them if it's necessary.

Councillor Dombrowski said he doesn't know if the term "permanent buffer" should be defined as well as the obligation and who holds those obligations.

Councillor Rowlands said the definition is on the plan

Councillor Dombrowski asked Attorney Riley if it needs to be added as a definition to the Article or sufficient on the plan.

Attorney Riley said he doesn't think it needs to be added into the Zoning Ordinance itself. He said it probably would be a good idea, when this is voted on, to add to the motion that this is a vote to amend the zoning ordinance subject to all conditions set forth on this plan dated March 30, 2009. This will make it another official recognition that these conditions are part of the whole plan.

Councillor Dombrowski asked what is being planned for the permanent buffer.

Mr. Duncan said just landscaping.

Councillor Rowlands said he would like to clarify that it only relates to one of the three permanent buffers and the other two buffers will be left as is.

Councillor Dombrowski asked if once this is implemented is there a need to maintain it over time?

Mr. Duncan said yes, and in the definition it allows them to do maintenance to the landscaping.

Councillor Dombrowski asked if there is going to be a new Article XIII drafted incorporating all these amendments so that we have one cohesive document.

Councillor Rowlands said we will send everything that has been presented in terms of the original petition, as well as the amendment, to Attorney Riley to put it into ordinance form and we have two votes that need to be taken in order for the ordinance to pass, the first and second reading. Councillor Rowlands asked Attorney Riley if he will give them a complete ordinance form to replace all the amendments they have.

Attorney Riley said certainly, for any language that is being replaced the old language comes out and the new language goes in and most of these are additions.

Councillor Rowlands said the expectation is to send this to Kopelman & Paige to be put into ordinance form if this Council were to pass it.

Councillor Dombrowski asked Attorney Riley if he thought the notes of the plan suffice and there is no need for a covenant.

Attorney Riley said he thinks in terms of how the buffer zone is kept up and it seems to him that the City is not a party to that agreement. He said what the City Council is asked to do is to make amendments to the overlay district which was approved some years ago and those agreements between the various property owners and the hospital is up to them.

Councillor Dombrowski said he understands but he thinks we are being asked to amend subject to all the conditions on the plan. He said he wants to make sure the conditions suffice on the plan without the need of a covenant.

Attorney Riley said he will give it some more thought before the paperwork comes to his office to work on the format.

Councillor Dombrowski said you probably could marginally reference the book and pages of all the affected neighbors and be notice enough for a title.

Attorney Riley said that was true.

Councillor Rowlands said he wants to make sure the hard work from the hospital and the neighbors is binding and asked Attorney Riley if he felt we could do that.

Attorney Riley said yes he does.

Councillor Rowlands said he likes this plan better. He said by right the hospital has the right to put in 5 story buildings. The Development #2 area expanded that right to allow them to build a 7 story building up to 126 feet which he feels is a rather large building for Leominster. He said if in the future an additional building of that height he would like to take a step back and see how well the other building worked out in terms of noise. He said we don't have a test case for that size building in that area. He said he didn't believe there should be further restrictions than they already have which is to build a 5 story building.

Mr. Duncan said they are going through this process so they don't have to go through Special Permits and speaking with the Planning Board they hold public hearings for each plan brought forward and we get input. He said Councillor Marchand said as long as he is still an elected official he will be at those meetings. He said they want to be a friendly hospital for the neighbors and the last thing they are going to do is try to push things down that aren't appropriate for the neighborhood. We are going to work with everybody and we will have to go through the Planning Board process and the process has been extremely thorough.

Councillor Freda said this is a great plan and well worked out with the neighborhood and you had the intent to do that. She asked if there were any other agreements that were side agreements or expected to be made with the neighborhood other than what is on this plan.

Mr. Muldoon said none.

Councillor Freda said the plan specifically states Health Alliance and if the hospital was ever sold the new owner would have to come back for changes and this plan would be in place and recorded for a future owner, correct?

Attorney Riley said yes, and all the terms of the overlay district.

Councillor Freda said it was mentioned at one time that no properties be purchased on DiMassa Drive in the future. Has this been further discussed?

Mr. Muldoon said the conditions of the buffer zone relate to the hospital purchasing properties on DiMassa Drive. He said one condition is that they would have to own all 5 properties on the east side of DiMassa Drive before they could move into that buffer zone and on the south side of DiMassa Drive they would have to own those 2 homes before they could enter into that buffer zone. He said other than that there are no other conditions or discussions.

Councillor Salvatelli said there was a lot of talk about the exit towards Applebee's and you mention something about getting together the neighbors on Nelson Street but you never mentioned anything about the difficult turn at the bottom. He asked if it has been discussed.

Mr. Duncan said they have hired a traffic consultant and have just begun presenting the whole master plan but have not done any detail design at all until they know the overlay is extended.

Councillor Salvatelli asked if there was a question of signal lights there and it would make it very difficult with signal lights just down the road.

Mr. Duncan said they haven't focused on the details about the traffic other than around Memorial Drive entrance.

Councillor Salvatelli told Mr. Duncan they did a good job with the neighbors and thanked him for all the work they have done.

Councillor Rowlands said the multi-use area being in the orange at the bottom of the plan (Route 12) will allow for commercial development and can take a 5 story building and can take a commercial type use as defined in our zoning for commercial property that includes stores and restaurants. He asked Mr. Duncan to expand on what the plans are for that area.

Mr. Duncan said we have a lot of vision plans. A vision plan would be to have a developer come in and do a land lease with Health Alliance and have the developer put up the building with potential tenants as a credit union, an upper scale restaurant, some professional offices that would support a bank on the first level and on the second and third level all health care related such as physician offices, outpatient clinics, a women's center, diabetes clinics, maybe a large multi specialty physician office group. He said Health Alliance would be the anchor and major tenant of the building. He said they would not use their capital dollars to construct the building and preserve and use their capital dollars to build the core hospital uses.

Gail Allen, Chairman of the Board of Health Alliance Hospital asked the Council to approve the overlay district and extend the envelope as indicated in the plan.

Peter Latches of DiMassa Drive said he has full confidence in Ward 5 Councillor Marchand and the Legal Affairs Committee to see this through and make sure these conditions are going to help the neighbors and stay permanent. He said he has talked to all the abutters that were going to be impacted and they all agree they would like to see this pass tonight. He said he has a petition and is willing to drop the opposition of the plan. He said he understands it will be a 2/3 vote and when Legal Affairs gets back to him he will drop his petition.

Councillor Rowlands said it is a 2/3 vote to move it but the final passage of the ordinance will require a 3/4 vote.

Mr. Latches said he would like to have his petition dropped at the next meeting. But tonight I would like to see this passed and moved forward. He said he wants to thank Councillor Marchand for a wonderful job, Councillor Rosa who attended the neighborhood meetings and David Duncan and Patrick Muldoon. He said he wanted to thank members of the Council. He said he is very happy to have a hospital in his town.

HEARING BEFORE THE CITY COUNCIL, MARCH 30, 2009, continued

Ed Gagne of 29 North Meadow Road said he has been in favor of this petition before anyone got together to compromise. He said he is very glad to see so many people cooperating to this common goal. He said thank you to everyone involved.

Nancy Latches of DiMassa Drive said she wanted to thank her husband because she doesn't think people realize the work that he does to get everything together and help to keep the neighbors all happy and that they were all protected in their homes. She said She was thrilled to see Mr. Dunkin, Mr. Muldoon and Councillor Marchand work so diligently and people probably don't realize how many hours they spent together and hopefully became friends.

Dan McCarty of 102 Old Tavern Road said Peter Latches was here 10 years ago working with the same group of people and he is as diligent today as he was 10 years ago. He said there was a typographical error on 5 b. and it should be 300,000 not 196,000..

Councillor Rowlands said for a point of clarification you are requesting a possibility of 300,000 s.f. of additional space for the hospital which means for example if you were to tear down a 40,000 s.f. building because you wanted to build new there that 40,000 s.f. would not be subtracted from the 300,000 s.f. He said it is 300,000 s.f. in addition to what is there now.

Mr. Duncan said yes.

Councillor Dombrowski said he is in favor of this and it is a wonderful plan. He asked the applicant if the City Solicitor comes back and says a covenant or a similar document would be necessary to put on record to enforce the obligations contained in the notes would that be a problem for you or do we need to leave the meeting open.

Mr. Muldoon said no. He said if anything changes that aren't consistent with the conditions they would like to have the right to pursue counsel themselves. But if it is consistent they are good to go.

Councillor Rowlands said there are two more votes that are required which are the first and second reading. He said if we are not happy with the ordinance form or if there is a question regarding the final form we still have two votes on it.

Councillor Marchand suggested before Kopelman & Paige submits the final document for confirmation in the first reading if Kopelman & Paige can share it with Health Alliance for their confirmation on the verbiage.

Councillor Rowlands suggested to offer it to the Ward Councillor as well.

Councillor Rosa said if this was to pass tonight the $\frac{3}{4}$ vote would kick in on the first and second reading, correct?

Councillor Rowlands said the ordinance states that before an ordinance shall be adopted it shall be by a $\frac{3}{4}$ vote, it is not actually the petition it's the adoption of the ordinance that required the $\frac{3}{4}$ vote.

Councillor Rosa said he just wants to make it clear that a $\frac{3}{4}$ vote if we go further will be in play.

Councillor Rowlands said yes, and the $\frac{3}{4}$ vote is in play regardless if there is a petition or not.

Councillor Rosa said he has never seen a $\frac{3}{4}$ vote in 20 years.

Councillor Freda asked Attorney Riley if there was a real benefit to having a covenant.

Attorney Riley said as Councillor Dombrowski suggested when the plan gets recorded and there is some way to make a reference to all the neighbors and titles so it can't be missed in the future. He said he thinks it is sufficient and will provide a formal opinion on it. He said the reason he hesitated about a covenant is because what we are really here for is amending the zoning ordinance and I haven't seen a covenant attached to a zoning ordinance. He said he is sure there is a very simple way to make sure this is all on record and everyone has the right to enforce it.

Councillor Dombrowski said maybe a covenant is the wrong instrument but he wants to make sure the notes on the plan are going to be sufficient to enforce the obligations or is there another instrument necessary?

Councillor Rowlands said for the record he agrees with that and he doesn't know about the mechanism but these conditions have to be binding for him to approve this.

Councillor Marchand said when he was serving as the Legal Affairs Chair, they ran into a couple of snags regarding conditions the Council would place on zoning. He said one of the things that is happening is the language, verbiage and the deal that Health Alliance has presented to the City has been authored by Health Alliance itself. They are not conditions being levied upon them by City Council so he thinks from that point of view it would be advantageous to accept them as part of a legal document and enforceable.

Attorney Riley said in the motion this plan is going to be referenced in the zoning amendment and the plan will be recorded and will be an official record in various places.

Councillor Dombrowski asked Attorney Riley when he could get back to the Council on an answer.

Attorney Riley said it won't take long at all and won't get in the way.

Councillor Dombrowski asked if it would definitely be by the first reading

Attorney Riley said definitely.

Councillor Rowlands said the 90 day limit means if we do not have a final vote on the second reading or the ordinance by the 90 day time frame it means we would have to re-advertise and have a new hearing so the process would still move forward if there was a roadblock.

No one in the audience spoke in opposition to this petition

HEARING ADJOURNED AT 7:45 P.M.

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

SPECIAL MEETING OF THE CITY COUNCIL, March 30, 2009

Meeting was called to order at 7:47 P.M.

Attendance was taken by a roll call vote; all members were present except Councillor Nickel. Council President Nickel did not attend due to a possible conflict of interest.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED AS AMENDED subject to CONDITIONS listed on the plan. Vt. 8/0.

103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII"

Amended as follows:

The individual listed below being Chairman of the Board of Trustee of Health Alliance Inc. an individual owning land affected by this petition, in accord with Article I, Section 22-14, Adoption and Amendment, paragraph 14.1 of the City of Leominster Zoning By Law, hereby Petition the Leominster City Council to Modify the Health Care Overlay District, Article XIII as more particularly described in Exhibit A entitled Modification To The Health Care Overlay District, Article XIII, Dated June 19, 2008 as revised through March 20, 2009 and as shown on the Plan Exhibit B by Whitman and Bingham Associates, LLC entitled Modification to the Health Care Overlay District dated June 19, 2008 as revised through March 20, 2009.

EXHIBIT A

CITY COUNCIL PETITION DATED JUNE 19, 2008 AS REVISED THROUGH MARCH 30, 2009.

MODIFICATION TO THE HEALTH CARE OVERLAY DISTRICT ARTICLE XIII

Health alliance submits this Petition to Modify the Existing Health Care Overlay District, (the "HCOD"), Article XIII as indicated below:

1. To extend the HCOD Boundaries and its Development Envelope to the sideline of Nelson Street, North Main Street, Washington Street, and St. Jean Street between Washington Street and Arlington Street; as shown on the attached Plan entitled Proposed Modification to the HCOD Boundary and HCOD Development Envelope, prepared by Whitman and Bingham Associates, RLS dated June 19, 2008 (the "W&B Plan") and to set the Development Limit as provided in Section 96.2 paragraph 2 at 300,000 square feet and to modify HCOD Boundaries and its Development Envelope.
2. To correct a typing error in the original document Section 22-92.2 Dimensional Requirements; Existing Definition of "Maximum Height: The greater of 7 stories or 98 feet to be changed to "The greater of 5 stories or 98 feet with the remainder of the sentence unchanged.
3. Add the following Definition to the Health Care Overlay District Definition: "k" Story. The distance in feet from the surface of a building floor to the next successive building floor or in the case of the uppermost floor from the surface of the uppermost floor to the surface of the roof deck."
4. In accord with Section 22-96, Designation of Development Envelope, Subparagraph 96.2 "To designate an additional Development Envelope names "Development Envelope #2" as shown on the W&B Plan referenced in this petition
5. Modify Section 92.2 Dimensional Requirements by adding the following to the Minimum Front, Side and Rear Yard and indicate that the dimension requirements shown in the Table apply to Development Envelope #2
 - a. Building Height-Seven stories (7) with 18 feet between floors and with a maximum height of 126 feet.

- b. To modify Section 92.2 Dimensional Regulations by adding the following to the Minimum Front, Side and Rear Yard as applicable to the DE#2.

Minimum Lot Width, Minimum Lot Area and Minimum Lot Frontage: Not required for Internal Building Envelope.

Minimum Yard: Front, Side and Rear-None required for Internal Building Envelope.

Maximum Height 7 stories or 126 feet

Development Limit: 300,000 square feet.

Ground Floor Location and Elevation: The location and Zero Elevation for the purposes of calculating building height and elevation shall be the current floor elevation of 453.0 as measured at Entrance D Lobby as indicated on the W&B Plan.

- 6. In accord with Section 22-96, Designation of Development Envelope, Subparagraph 96.2 “To designate an additional Multi Use Area “MUA”. The location of the MUA is as shown on the W&B Plan referenced in this petition.

- 7. Modify Section 92.2 Dimensional Requirements by adding the following to the Minimum Front, Side and Rear Yard and indicate that the dimension requirements shown in the Table apply to the MAU as follows:

- a. Minimum Lot Width: None
- b. Minimum Lot Area: None
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- d. Maximum Height: 5 stories or 98 feet
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2 ½	20	15	30
3 ½	35	30	40
5	50	50	50

- f. Minimum Setback from Development Envelope 15 Feet.
- g. Development Limit: 100,000 Square Feet

- 8. To modify Section 22-95, Permitted Uses by adding the following sub-paragraph 95.3 Commercial Uses: Commercial Uses. Uses customarily allowed in the Commercial – C District of the City of Leominster shall be permitted within the Multi-Use Area Development Envelope, subject to the requirements of Article XI: Parking and Off Street Loading.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to invite the Purchasing Agent, Greg Chapdelaine, to attend the Public Service Committee meeting on April 8, 2009 at 7:30 P.M.

HEARING ADJOURNED AT 8:05 P.M.

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