

HEARING BEFORE THE CITY COUNCIL, DECEMBER 28, 2009

Hearing opened at 6:36 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present except Councillor Tocci. Councillor Dombrowski arrived late.

This meeting is continued from November 16, 2009.

The following PETITION was the subject of the hearing:

- 5-10 John Souza, Chairman, on behalf of the Planning Board: Adopt the following zoning changes proposed by Vanasse, Hangen and Brustlin to include:
- 1) The Leominster Zoning Ordinance Revised Draft, July 2009
  - 2) The Leominster Zoning Ordinance "Table of Uses," July 2009
  - 3) The Leominster Zoning Ordinance "Proposed New Zoning Districts," July 2009
  - 4) The Leominster Zoning Ordinance "New Sections," January 2009
  - 5) Section 22-19 Residence B Districts which is a correction to the "The Leominster Zoning Ordinance Revised Draft," July 2009

Councillor Rowlands said he received an updated document last week via email. A letter received from Ralph Wilmur of VHB was read as follows:

Here is the word version of the revised ordinance. The pdf will come in a separate e-mail. At this point, I believe all cross-references have been changed, but I left them highlighted so that if sections are added, deleted or moved, someone can follow those changes.

Regarding Sections 16.9.2 and 16.10, I think they may be somewhat duplicative, although 16.10 is a little broader in scope. As I recall, the Inspector wanted to keep that in for flexibility. I think it may be useful to have at least 16-10 to provide more options with the MU-1. I think it is cleanest to change the map to change some C, I, or Business districts to MU-1 rather than do it as an overlay, which gets sloppy in the end and may cause confusion. If there are specific buildings where someone wants to convert and it hasn't been rezoned as MU-1, they could apply under 16-10.

Councillor Rowlands said during their discussions it came up about MU-1 being the new tool in the zoning to replace or to do adaptive use of these old buildings. It is being proposed as a separate zoning district. He asked how that can be when you look across the City and have old buildings that are spread throughout the entire City. How are you going to rezone those? He said they asked VHB if it made more sense to have it as an overlay district. He said the letter he just read is proposing to leave it as a separate zoning district and needs to be worked out. He said we don't have a detailed map to where MU-1 zoning applies. He said any building that we would want to potentially use for adaptive reuse would have to use Section 16.10 which by Special Permit allows you to have an alternate use in Industrial zone. He said this raises a lot of questions because Section 16.10 is not very efficient. The process has to be streamlined. He said he is not convinced that a zoning district for MU-1 is the best method for adaptive reuse.

Councillor Marchand asked where we are in the process. He still has isolated concerns.

Councillor Rowlands said in Legal Affairs we are going through the process and if we were flying we're trying to get from 30,000 feet down to 15,000 feet and the level where the Councillors want to fly around is at 5,000 feet or even be on the ground. He said we are not anywhere near that yet. He said he is hoping that the Building Inspector will come down and go through this with us because he is the one that will have to live with this document being the enforcement agent.

Councillor Marchand said he is requesting a clean hard copy from the Clerk's office on VHB's final draft. He said we have been getting a lot of piece meal email and we should have the right version.

Councillor Rowlands said this draft which is a final draft from them is well short of what is going to be a final draft, but it is the latest version we have from them.

Councillor Nickel said regarding MU-1, coming up with a better series of definitions that could explain how it could be used without trying to go along with a map may be better. If the definition side of things aren't going to work perhaps they could consider dealing with the local papers do get out as much information as we can about the possibilities of adaptive use changes that would be in MU-1. The idea that people in town read this and know of developers or anyone who own these properties that could be affected and encourage them to come back to us and give a list so we can send it off to the Legal Affairs. He said if we are going to go to the map system, which is not the best system, at least we will have input from the public that would be affected and we can use that information without going back week after week trying to redo a map and additions and deletions. He said he was hoping for written form and not maps.

Councillor Rowlands said he agreed. He said he has a problem with the current proposal. He said one of the things that the Legal Affairs will be pushing for is that we need to start seeing detailed maps where specifically you tell us where MU-I is going to be proposed. He said he hasn't given up the idea that it belongs as an overlay district.

Councillor Rowlands said currently in the Table of Uses under the proposed under Business Uses there is another definition of mixed use which is different than any definition we have had in the past. This definition basically says any two uses including residential, commercial or industrial is considered mixed use. He said it states in the Table of Uses you need a Site Plan approval under Business A and Business B and a Special Permit under Commercial, and that is extremely confusing. He said we have totally lost the mixed use we had before. We've come up with a totally different mixed use which shows up in the business uses and we have added two other definitions of mixed uses called MU-1 and MU-2 which are different than the one we talked about in the past. We are calling MU-1 a separate district and pick out areas of the City. He said it is extremely confusing.

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Councillor Rowlands established a Legal Affairs Committee meeting on January 6, 2010 at 7:30 P.M. with the Building Inspector and VHB in attendance.

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

HEARING ADJOURNED AT 6:55 P.M. AND CONTINUED TO FEBRUARY 22, 2010 AT 6:30 P.M.

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