

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 10, 2014

Hearing opened at 6:58 P.M. with Councillor Lanciani, Clerk of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, presiding.

All members were present except Councillor Freda.

The following PETITION was the subject of the hearing:

36-14 Kevin Donahue: Grant a License for one pool table at Scoreboards Sports Bar & Grill located at 137 Lancaster Street.

No one spoke in favor or in opposition to this petition.

No Councillors spoke.

HEARING ADJOURNED AT 7:00 P.M.

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

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 10, 2014

Hearing opened at 7:00 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

All members were present except Councillor Freda.

Present at the hearing was Daniel and Patrick McCarty of McCarty Engineering.

Hearing continued from January 13, 2014.

The following PETITION was the subject of the hearing:

31-14 Daniel Garceau: Modify the City of Leominster Zoning Map by deleting Parcel 582-27 located at 220 Litchfield Street from the RB zone and adding it to the abutting Industrial I zone.

## HEARING BEFORE THE CITY COUNCIL, FEBRUARY 10, 2014, continued

Councillor Dombrowski said one of the reasons that the hearing was continued was to give you the opportunity to address questions that had come up at the last hearing.

Patrick McCarty said the building is an industrial building used as a transmission repair shop for a number of years and was originally built for the telephone company. He said since the inception it has been industrial in nature. It is unfortunately zoned Residential B with the zoning district line being the centerline of Litchfield Street. The uses on the opposite side of the street, the Self Storage Fraticelli Oil and National Grid substation are industrial. Patrick said the purpose of filing this petition is looking forward for the applicant. If at some point he wanted to sell this property, being zoned Residential B, it would be like trying to put a square peg in a round hole for any potential future buyer or tenant being that it is a pre-existing nonconforming use. He said we are asking the Council to consider removing this from the Residence B zoning district and moving it into the Industrial zoning district.

Patrick said he went through the Table of Uses and there are some uses in the industrial zone that would be a good fit for this building. Allowed uses by right are daycare center or family childcare center, religious organizations, business and professional offices and health clubs. An auto body shop would need a Special Permit from the Planning Board. He said he does not see how this structure could be renovated into a residential use that would be attractive. He said industrial buildings get renovated into music studio, martial arts, yoga or dance studios all the time. It is less than 8,000 square feet and he doesn't see someone coming in setting up molding machines or using it for production. It is not that type of building. He feels it got left out of the zoning district it really should be in. We are trying to provide the owner an opportunity in the future to be able to do something with his building other than keep it as a transmission shop for the remainder of its life.

Councillor Dombrowski said when the term "Executive Session" was used in the Zoning Board of Appeals recommendation and it was a misuse of the term according to them. The other question was what is Mr. Garceau's plans for the building?

Patrick said he has no set plans at this point. He is just doing forward thinking with his business. He said there is no buyer waiting in the wings, no lease to be signed, nothing.

Councillor Nickel is concerned about the neighbors and asked if it would be better to wait until he has someone interested?

Patrick said if they are creating more than ten parking spaces it would trigger Site Plan approval from the Planning Board and they would have the opportunity to look at those types of things to make sure it is screened, parking setbacks and lights facing down. It is residential surrounding it but it is also multi family commonly abutting these types of properties.

Councillor Salvatelli said the building was used by the telephone company for a long time and someone decides to put multi-family houses behind them in RB zone. At that point there was no concern about the front building which was non-conforming at that time correct?

Patrick said he doesn't know the specific zoning at the time when the multi-families were built. He said all he knows that the Leominster Transmissions building was there first.

Councillor Salvatelli asked who built the multi family homes in back of this building.

Councillor Lanciani said Mr. Xarras owns them and possibly Mr. Scola built them.

Councillor Marchand said what would happen if we went along with this and then the property was sold and the use didn't comply with permitted uses. Would you have to come back again.?

Patrick said no, that would be spot zoning and the only option we have is to look at the zoning across the street and that provides this building with the most opportunity.

Councillor Marchand said think about the land. The building is old and someone might want to knock it down and put something new up. Would the new always be in compliance?

Patrick said right now someone could buy it, knock it down and put back to residential use that is consistent with Residence B. In his professional opinion he said it is not economically plausible. He said if we look at some of the other uses that are allowed in Industrial zone there is a good chance that many of them would be less intrusive than the existing operation that is there now.

Daniel McCarty said the property is very limited in size, the building shape is very limited both as dimensions in square footage and dimensions in height and is extremely limited for potential uses in the industrial allowed that would be offensive to the neighborhood, it just doesn't lend itself. It is a unique situation. He said they have never had any impact to the neighbors in the entire 45 years the property has been there. Mr. Scola built the property back in the early 70's and that property has been surrounded by residential people for over 40 years and feels that property demonstrates that it can be used in comparable and compatible ways with the neighbors in a number of the uses that would afford as a significant benefit. It would not be in the owners benefit to propose something that would be offensive.

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

HEARING ADJOURNED AT 7:15 P.M.

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

## REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 10, 2014

Meeting was called to order at 7:32 P.M.

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

The Committee on Records reported that the records through January 27, 2014 were examined and found to be in order. The records were accepted.

A moment of silence was held for Vern Brideau, a past Councillor, who had recently died.

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

C-23 Relative to the appropriation of \$25,000.00 to the Highway Overtime Account; same to be transferred from the Highway Salary & Wages Account.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 8 "yeas". Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 6 "yeas", Councillors Cormier and Nickel abstained due to a possible conflict of interest.

C-24 Relative to the appropriation of \$25,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

ORDERED: that the sum of Twenty Five Thousand Dollars (\$25,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary & Wages Account.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Director of Inspections, the Planning Board and the Zoning Board of Appeals. A hearing was set for March 10, 2014 at 7:00 P.M. Vt.

8/0

40-14 Leominster Planning Board: Amend the Leominster Zoning Ordinance by adding Article XVIII, Section 22-105 entitled "Medical Marijuana Facilities" to allow and regulate medical marijuana facilities in the city.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works.

41-14 Officer Aaron F. Kennedy: Amend Chapter 13, Section 34 of the Revised Ordinance entitled "No parking on certain street" by removing "Lancaster Street (west side), in front of 199 Lancaster Street, a distance of one hundred seventy-five feet south" and replacing it with "213 Lancaster Street (west side) starting at pole 28 for one hundred nine feet south ending at pole 29.

The following APPOINTMENTS were received, referred to the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

Fire Department – Permanent Firefighters - David R. Fagone and Jordan T. Altobelli

Upon request of the WAYS & MEANS/VETERANS AFFAIRS COMMITTEE, the following PETITION was and given FURTHER TIME. Vt. 8/0

36-14 Kevin Donahue: Grant a License for one pool table at Scoreboards Sports Bar & Grill located at 147 Lancaster Street.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATION was given FURTHER TIME and referred to Kopelman & Paige for review. Vt. 8/0

C-17 Dean J. Mazzarella, Mayor: Adopt an ordinance for securing and maintaining vacant properties and foreclosing properties.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given LEAVE TO WITHDRAW. Vt. 8/0

13-14 Stephen J. Mullaney and Ten Registered Voters: Amend Chapter 22 of the Revised Ordinances entitled "Zoning" by adding to "Health Care Overlay District (HCO) Definitions" in Section 22-4 a definition for Medical Marijuana Treatment Center and Medical Marijuana Dispensary Center and by adding the following entry to "Institutional Uses" in Section 22-18 Overlay Districts Table of Uses.

<b>Institution Uses</b>	<b>RR</b>	<b>RA</b>	<b>RB</b>	<b>RC</b>	<b>BA</b>	<b>BB</b>	<b>C</b>	<b>I</b>	<b>MU1</b>	<b>MU2</b>	<b>V</b>
Medical Marijuana Dispensary Center	N	N	N	N	N	N	SPCC	N	SPCC	N	N
Medical Marijuana Treatment Center	N	N	N	N	N	N	N	SPCC	SPCC	N	N

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 10, 2014, continued

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 8/0

31-14 Daniel Garceau: Modify the City of Leominster Zoning Map by deleting Parcel 582-27 located at 220 Litchfield Street from the RB zone and adding it to the abutting Industrial I zone.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was TABLED FOR STUDY. A hearing was set for March 10, 2014 at 6:45 P.M. Vt. 8/0

34-14 Leominster Planning Board: Change the zoning ordinance to correct Section 22-25 Commercial District as follows:

1. Remove the text for "Adult Entertainment" and replace it with the "Commercial District" text from the old zoning ordinance (Section 22-23) with one exception: \*\* Change 23.2.3 to read: Mobile Home Parks and Trailer Parks require a Special Permit and Site Plan approval from the Planning Board.
2. Add the entire "Adult Entertainment Ordinance" as written in Section 22-25 of the old zoning ordinance back into the new zoning ordinance as Article XVII
3. Add Adult Entertainment to the Table of Contents.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was AMENDED and GRANTED as AMENDED. Amended by changing "15 Minute Parking" to "30 Minute Parking". Vt. 8/0.

37-14 Claire Freda: Remove the "No Parking" signs from the front of St. Anna Rectory on Lancaster Street and replace them with "30 Minute Parking" signs.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt. 8/0

38-14 Eva Leblanc and Richard M. Marchand: Increase the fifteen- minute free parking to thirty-minute free parking in the designated parking spaces in front of the United States Post Office on Main Street.

Upon request of the PUBLIC SERVICE COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0

39-14 Cheryl Kuzmitch: Accept F & L Road as a public way.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas" and 1 "nay", Councillor Lanciani opposed.

C-22 Relative to the appropriation of \$40,000.00 to the Police Department Expense Account; same to be transferred from the Police Department Salary & Wages Account.

ORDERED: - that the sum of Forty Thousand Dollars (\$40,000.00) be appropriated to the Police Department Expense Account; same to be transferred from the Police Department Salary & Wages Account.

RE: New recruit related expenses

Upon request of the WAYS & MEANS/VETERANS SERVICES COMMITTEE, the following APPOINTMENT was given FURTHER TIME. Vt. 8 "yeas"

Fire Department – Craig S. Long – Permanent Lieutenant

Upon request of the Mayor, the names of Glenn Casey, Michael Merly and Michele Poirier were withdrawn as Permanent Police Officers. Upon recommendation of the WAYS & MEANS/VETERANS SERVICES COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 "yeas"

Police Department – Permanent Police Officers - Jose Torres, Valentine Vautour

The following RESOLUTION was received, referred to the LEGAL AFFAIRS COMMITTEE and given REGULAR COURSE.

RESOLUTION –Statement of Interest for the Accelerated Repair Program project at the  
Northwest Elementary School

It was requested that the Superintendent attend an Informational Meeting with the Council on February 24, 2014 at 6:45 P.M. regarding the above Resolution.

A Legal Affairs Committee meeting was established on February 18, 2014 at 6:30 P.M.

MEETING ADJOURNED AT 8:38 P.M.

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