

HEARING BEFORE THE CITY COUNCIL, JULY 23, 2012

Hearing opened at 6:55 P.M. with Councillor Chalifoux Zephir, Chair of the PUBLIC SERVICE COMMITTEE, presiding.

All members were present except Councillor Marchand.

Ken Dobie, representing National Grid was present.

The following PETITION was the subject of the hearing:

1-13 National Grid and Verizon New England: Central Street: Install one jointly owned pole beginning at a point approximately 1200 feet south of the centerline of the intersection of Jytek Drive.

Mr. Dobie said they propose to install a new pole to service the new warehouse that was built bordering the pole location.

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

No Councillors spoke.

HEARING ADJOURNED AT 6:57 P.M.

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

HEARING BEFORE THE CITY COUNCIL, JULY 23, 2012

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

All members were present except Councillor Marchand.

Present at the hearing was Steve Boucher, owner of the property, and Attorney Thomas Bovenzi.

The following PETITION was the subject of the hearing:

87-12 Steve Boucher: Rezone from Industrial to Business B the properties located at 18-20 Elm Hill Avenue, as shown on Assessor's Map 356, Parcel 17; at 435 Lancaster Street, as shown on Assessor's Map 443, Parcel 1; and at 439 Lancaster Street, as shown on Assessor's Map 442, Parcel 2/2.

Councillor Rowlands read the recommendations from the Department of Public Works, the Planning Board, the Director of Inspection, the Conservation Commission and the Health Director. Letters on file in the City Clerk's office.

Attorney Bovenzi said they are asking the Council to rezone three contiguous parcels known as the Gateway Center from Industrial to Business B. He said Business B district is located immediately across the street including a bank, gas station, restaurant and other retail and commercial uses within that plaza.

Attorney Bovenzi said the Gateway building was used as a plastics factory for many years. It has been owned by the Boucher family for more than 15 years and within those 15 years it has not had industrial uses at that site. He said there are business uses there today and this Council has granted Special Permits for Mixed Use Development. He said there has been an additional building added to the site along with LATV and other offices and building uses on the site.

Attorney Bovenzi passed out a list of businesses allowed by right in the Business B District which are prohibited in the Industrial District. The list included automotive supply store, bank, furniture store, hardware store, food service establishment, neighborhood retail store, barber shop, restaurant, sporting goods store and television studio. He said many of the uses that are there today are only allowed by Special Permit or grandfathered. He said the change would extend Business B into this area and he does not feel it is spot zoning. The entire rezoning includes about 9-10 acres. He said we do not see industrial uses economically viable. By having a use that is allowed by a matter of right increases tremendously, from the property owners' perspective, the viability of tenants. It would add economical viability, growth and job opportunity for the tenant and landlord.

Councilor Rowlands asked why come forth, you have the Special Permit.

Attorney Bovenzi said the reason is because every new use or new establishment will require another Special Permit and the cost and timeframe involved is something in today's economic climate that poses a burden on my client. When a tenant wants to move in they want to move in tomorrow not 60-90 days after. When you come forward for a 500 s.f. computer store it doesn't make economic sense. It's a burden.

Councillor Rowlands said there it is his understanding that when the Special Permit was issued it was issued under mixed use under 20 acres which he understood under that you would not have to come back every time for a different use. Section 16.10, which is a use section, would but I don't believe we issued that.

Attorney Bovenzi said he agrees with part of that but the Special Permit that was granted had limitations on the amount of commercial use and imposed obligation for some industrial use. It gave us a lot of flexibility but the change would give us more. He said the changes they are asking for will make the property function as it has been for the past 15-20 years.

Councillor Chalifoux Zephir said the list of uses handed out by Attorney Bovenzi lists the allowed by right uses in the Business B District which include automotive supply store, bank furniture store, hardware store, food service establishment, neighborhood retail store, barber shop, restaurant, sporting goods store and television studio. She said you would have to go in front of the Planning Board for the food establishment and restaurant.

Attorney Bovenzi said you would have to go before the Planning Board for all of the uses for Site Plan Approval.

Councillor Rowlands asked if they had any interest for residential as it is allowed under Business B.

Attorney Bovenzi said it would have to be a Special Permit but at this time they had no intention.

Councillor Cormier asked the applicant to be aware of noise for the residence.

Councillor Nickel said based on past history he agrees this site's industrial side is long gone.

Councillor Chalifoux Zephir asked if they have plans to do additional buildings on the site.

Mr. Boucher said not at this time.

Councillor Freda said Attorney Bovenzi brings up a good point in terms of the size of a company that might come in and doesn't have the finances or the time. It's a timely process. She said it has been proven that he is a good landlord and cares what is in the building. She agrees with the cumbersomeness of the process. The Site Plan from the Planning Board is adequate.

Councillor Salvatelli asked The Chair of Legal Affairs if there are any changes due for this area under the new zoning.

Councillor Rowlands said mixed use is now multi use and it is a hard zoning district. It is not like an additional set of rules. Multi Use 1 does not have a residential element to it but the President's Zoning Committee is talking about re-establishing Multi Use 2 which is industrial that has a residential element. He said they haven't gone through the maps and the designated areas

HEARING BEFORE THE CITY COUNCIL, JULY 23, 2012, continued

but the default behavior from this being Mixed Use was to default to Mixed Use 1. Residential will not be allowed under Mixed Use 1. He said they do feel, as a Committee, that we need a multi use zoning that has a residential element and they are going to reinstate that in the new zoning.

Councillor Salvatelli asked Mr. Boucher if he owns the old Dupont building and across the street including the bank.

Mr. Boucher said yes.

Councillor Salvatelli said it seems logical that the area be Business B, it meshes well. He told Mr. Boucher his reputation is sterling.

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

HEARING ADJOURNED AT 7:26 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, JULY 23, 2012

Meeting was called to order at 7:30 P.M.

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

The Committee on Records reported that the records through June 25, 2012 were examined and found to be in order. The records were accepted.

A recess was called at 7:33 P.M. to hold a public forum.

Meeting reconvened at 7:44 P.M.

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

C-2 Dean J. Mazarella, Mayor: Adopted Massachusetts General Law Chapter 48, Section 59A regarding Mutual Aid.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Department of Public Works, the Planning Board, the Historical Commission, the Police Department, the Fire Department and the City Solicitor.

2-13 Claire Freda: Rename Hill Street to David Allen Hill Street.

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

3-13 David Rowlands: Amend Article VI, Section 2-25, Article VII Section 2-28, Article VIII, Section 2-28 and all similar sections in the city ordinances relative to Mayoral Appointments to add "Said term may be extended indefinitely by the mayor at his/her discretion without vote of the City Council"

The following PETITION was received, referred to the PUBLIC SAFETY COMMITTEE, given REGULAR COURSE and referred to the Police Department and the Department of Public Works.

4-13 Susan Chalifoux Zephir and Richard Marchand: Place stop signs at the intersections of Dewey Avenue and Leland Avenue and Dewey Avenue and Penn Street.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE, given REGULAR COURSE and referred to the Planning Board and the Health Department.

5-13 Euidong Do: Grant a Second Hand Dealers License to Sam's located at 710 N. Main Street for the purpose of buying scrap metal.

REGULAR MEETING OF THE CITY COUNCIL, JULY 23, 2012, continued

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

- 6-13 Hinda Barber, Business Licenses L.L.C: Grant a Second Hand Dealers License to ecoATM, Inc at 100 Commercial Road for the purpose of buying back used consumer electronics for cash.

Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION as GRANTED and ORDERED. Vt. 8 “yeas”

- C-1 Relative to the appropriation of \$4,000.00 to the Police Department Salary & Wages Account; same to be transferred from Police Salary & Wages Account – Prior year.

ORDERED: - that the sum of \$4,000.00 be appropriated to the Police Department Salary & Wages Account; same to be transferred from Police Salary & Wages Account – Prior year.

Upon recommendation of the PUBLIC SERVICES COMMITTEE the following PETITION was GRANTED. Vt. 7/0, Councillor Cormier abstained due to a possible conflict of interest.

- 1-13 National Grid and Verizon New England: Central Street: Install one jointly owned pole beginning at a point approximately 1200 feet south of the centerline of the intersection of Jytek Drive.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED and GRANTED AS AMENDED. Vt. 8/0. Amended to read “439 Lancaster Street, as shown on Assessor’s Map 443, Parcel 2/2”, not Map 442.

- 87-12 Steve Boucher: Rezone from Industrial to Business B the properties located at 18-20 Elm Hill Avenue, as shown on Assessor’s Map 356, Parcel 17; at 435 Lancaster Street, as shown on Assessor’s Map 443, Parcel 1; and at 439 Lancaster Street, as shown on Assessor’s Map 443, Parcel 2/2.

Upon recommendation of the PUBLIC SAFETY COMMITTEE the following PETITION was GRANTED. Vt. 8/0

- 88-12 Melissa Tierney et al: Request a crosswalk light be put in at the crosswalk in front of 106 Water Street.

Under Old Business, Councillor Freda said regarding C-2, in the information provided to them by Chief Sidleau there is a line in the Kopelman and Paige opinion from 2011. We need a clarification on MGL Chapter 40 Section 4A is it different than other intermunicipal agreements we’ve had. Some need Council approval some do not.

Councillor Freda said in reviewing the Kopelman & Paige bills for July an item is listed for the Old Mill Road closure. She said during the past 10 years we received opinions from the Police Department that it can’t be done. She said some people in the condos are upset with the possibility of it closing. She said if there hasn’t been any conversation on this there needs to be some. Councillor Freda said she would like to get an opinion from the Police department and ask if they have done a traffic study and if they have any accident reports for that area. She said that at a public meeting years ago when Mechanic Street bridge was being worked on, it was said that once that project was completed the lights that they were using, which has a sensor on both sides and City owned, could be used here. She said if there is a problem there she wants to know. She would like to know who is precipitating the conversation of closing it again.

Councillor Salvatelli said he would like clarification on the Barts Farm Project which is a 55 years and older development. He said he remembers they would not approve it if it was not in the deed that is was for 55 years and older. He said he has heard from a lot of people saying there are a considerable amount of young people there. He said he voted for 55 year and older, nothing else.

Councillor Dobmrowski said they will refer that to the Director of Inspections.

Councillor Freda said it was not a 55 year and older project and it was put in the deed. She said one person in the household has to be 55.

Councillor Cormier said he has heard the same thing. He said as far as Old Mill, there were several meetings and he was told by the Mayor the State won’t close it because of site distance. He said he would like to get more information as well. He said he has not been kept in the loop and now we have legal expenses related to close it.

Councillor Nickel said it would be interesting to look back to see if there was any legal opinion or reference to Kopelman and Paige in the Police recommendation regarding Old Mill Road.

MEETING ADJOURNED AT 8:22 P.M.

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

