

HEARING BEFORE THE CITY COUNCIL, APRIL 24, 2017

Hearing opened at 7:20 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

This hearing is continued from April 10, 2017.

Present at the hearing were Jamie Rheault from Whitman & Bingham Associates; Vincent Campobasso, Attorney; Frank Hartnet, Director of Development; and Mickey Higgins, representing South Coast Development.

The following PETITION was the subject of the hearing:

38-17 South Coast Development, LLC: Change the zoning of the three contiguous lots of land at the northeast corner of Central Street and Graham Street, and also the adjacent portion of Graham Street, a public way, from the Residence C and Business B to the Commercial zoning district.

Mr. Rheault provided a summary of the proposed petition.

Councillor Marchand asked about the status of land acquisitions for the properties that they were in the process of negotiating around the perimeter and buffer area.

Mr. Hartnet said they purchased the McCarthy property at the intersection of Central Street and Central Place. They plan to maintain the property. They got to really like Ms. McCarthy and they wanted to make sure she was satisfied so they are going to let her stay there for awhile.

Councillor Marchand asked about the buffer between the two properties and whether they planned to put in shrubs or a fence to separate the two properties.

Mr. Rheault said that part of the plan they submitted to the Council with respect to the proposed use indicates the area between the parking lot and the McCarthy house is going to be green space. The house will remain in place and provide an additional buffer from Central Street and Central Place as well. When they go through the site plan approval process with the Planning Board landscaping and screening will be a condition and he expects that they are going to put a six foot solid white vinyl fence with shrubbery on both sides.

Councillor Marchand asked about the other abutters and whether they've had any response from the residents in these properties.

Mr. Hartnet said he personally knocked on every door and also sent letters. The only property they had any issue with is the Alvez property. There is a retaining wall in the middle of the property that renders any linkage impossible but they feel very confident that they have answered all the abutters concerns as far as buffer zone and maintaining their quality of life.

Councillor Marchand asked what the value of the construction project is once completed and asked whether there would be a car wash.

Mr. Higgins said they would spend more than two million dollars and there won't be a car wash.

Councillor Marchand asked what would be at this location.

Mr. Higgins said they have not finalized a gas brand yet.

Councillor Marchand asked about the alignment of the curb cut on Graham Street and whether it was in-line with the curb cut for CVS.

Mr. Rheault said no, that it was offset. He said part of the process with Planning Department for site plan approval is to submit a full traffic report and traffic mitigation plan as well.

Councillor Marchand asked if he foresees any issues that will have to be modified when they get to site plan.

Mr. Rheault said based upon other projects and studies they have done, no.

Councillor Dombrowski asked Mr. Rheault to explain the zoning around this property.

Mr. Rheault said the abutting property will be Residence C along Graham Street and Business B along Central Street.

Mr. Dombrowski asked where the green space would be.

Mr. Rheault said they have green space along Residence C and Business B.

Councillor Chalifoux Zephir asked for them to explain the retaining wall with respect to the Alvez property and whether they had contact with the Melendez family.

Mr. Rheault said that when they go through site plan approval they have to submit a landscaping plan to be approved. How they deal with it is a little up in the air with respect to the Alvez property because their land is higher. They may be able to do some plantings on the top, but when they go in front of the Planning Board, they will have an approved landscaping plan and will meet with the property owner again as part of this process. They made an attempt to contact the owner for the Melendez property because that is where the drive thru will be and she had asked them to make another attempt to contact them. They apparently don't live there and rent the property out. They found where they lived and visited them and Mr. Hartnet explained the whole situation so there is no issues with them.

Councillor Freda asked the long term plan for the McCarthy residence.

Mr. Higgins said they can stay for a period of time until Ms. McCarthy finds a suitable home. They will renovate the three apartments and will keep it as an investment property.

Councillor Feckley asked how many properties are they going to buy and how many will still be owned by the current owners.

Mr. Higgins said they are purchasing four properties from three different people and three of these will be redeveloped and the McCarthy property will remain as a multifamily property.

Councillor Dombrowski read into the record the recommendation from the Building Commissioner.

Councillor Dombrowski said he is in favor of this petition. It will bring significant improvement to that neighborhood that could use an uplift.

Councillor Freda agreed. She spoke with a couple of the neighbors and they are satisfied with the way the process went.

Councillor Marchand said he doesn't have any issues and is looking forward to the site plan approval with the Planning Board. He thinks it's a good use for the property.

Councillor Chalifoux Zephir said it's no reflection on the quality of work of the applicant, but her concern is about this particular site. She thinks it's a very dense location and there is already high traffic in the area. She's not sure it's the right location for this project. She agreed the area could use some sprucing up and development, but questions if this is the right project.

Councillor Bodanza said he is in accord with the zoning change. It's an area that is certainly not enjoying its highest and best use and the economic arguments are strong for the rezoning. He said economics aren't the only factor to consider, but it clearly needs a cleanup. He doesn't foresee this parcel ever being used for residential purposes, so he thinks the City benefits in the long run and so does the neighborhood. He has slight lament relative to the historical aspect of the structure, but he is in favor of the rezoning.

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

HEARING ADJOURNED AT 7:40 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 24, 2017

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

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

The Committee on Records reported that the records through March 13, 2017 were examined and found to be in order. The records were accepted.

The following COMMUNICATIONS were received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

- C-66 Dean J. Mazzearella, Mayor: Exempt Stephanie Florio, a paraprofessional for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.
- C-67 Dean J. Mazzearella, Mayor: Exempt Marianne Pickering, a teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as she will be taking a position as an enrichment program instructor for the Recreation Department.
- C-68 Dean J. Mazzearella, Mayor: Exempt Jeremy Thurber, a special education teacher for the Leominster School Department, from the Conflict of Interest Law as provided for in M.G.L. Chapter 268 A, Section 20B as he will be taking a position as an enrichment program instructor for the Recreation Department.

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

- C-69 Dean J. Mazzearella, Mayor: Adopt Section 110 of Chapter 110 of the Acts of 1993 so that a disabled veteran or surviving spouse will only be required to have one year of residency in the state before applying for a property tax exemption.

The following COMMUNICATIONS were received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

- C-70 Relative to the appropriation of \$20,650.00 to the Department of Public Works Capital Outlay Expense Account; the same to be transferred from the Excess and Deficiency Account.
- C-71 Relative to the appropriation of \$8,000.00 to the Building Inspector Salary & Wages Account; same amount to be transferred from the Excess and Deficiency Account.
- C-72 Relative to the appropriation of \$30,000.00 to the Highway Department Overtime Account; same amount to be transferred from the Excess and Deficiency Account.
- C-73 Relative to the appropriation of \$2,000.00 to the City Council Expense Account; same amount to be transferred from the Excess and Deficiency Account.

The following PETITION was received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer/Collector and Police Department.

- 65-17 Joanne Atwood – Renew the Second Hand Dealers License for The Repair Palace, Inc. located at 100 Commercial Road.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Board of Health Director.

- 66-17 Christopher Knuth, Director of Board of Health: Amend Chapter 2, Article X, Section 2-42.4, entitled “Fee Schedule” to increase certain fees charged by the Sealer of Weights and Measures.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Mayor, City Solicitor, Board of Health, Economic Development Coordinator, Director of Inspections, Planning Board, and the Zoning Board of Appeals. A hearing was set for May 22, 2017 at 6:45 P.M. Vt 8/0

- 67-17 Elisabeth Ricci: Amend the Leominster Zoning Ordinance by adding Article XVIII entitled “Recreational Marijuana Facilities” to allow and regulate recreational marijuana facilities within the City.

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

Library Board of Trustees – Carrie Noseworthy – Term to expire April 15, 2019

Library Board of Trustees – Eladia Romero – Term to expire April 15, 2020

The following RE-APPOINTMENTS were received, referred to the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

Office of Emergency Management

Assistant Directors – Jim LeBlanc and Richard Gauvin

Deputy Directors – Tom Piper, Dan Thibodeau and Al Staal

Auxiliary Officers – John J. Caron, Paul Topolski, Elympse Octavius, Charlie Williams, and Daniel Johnson

Planning Board

Salvatore M. Ciccone – Term to expire April 15, 2022

Upon recommendation of the WAYS AND MEANS AND VETERANS AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt 8/0

- 54-17 Fred R. Tousignant: Renew the Second Hand Dealers License for Fred's Auction located at 38 Spruce Street and 92 Pleasant Street.
- 55-17 Game Stop Store #1485: Renew the Second Hand Dealers License for the premises located at 100 Commercial Road.
- 56-17 Game Stop Store #3594: Renew the Second Hand Dealers License for the premises located at 26 Orchard Hill Park Drive.
- 57-17 Jon Andre Zajon: Renew the Second Hand Dealers License for George's Fine Jewelers, Inc. located at 255 North Street.
- 58-17 George Deglaoui: Renew the Second Hand Dealers License for Deghan Inc., d/b/a Hannoush Jewelers located at 100 Commercial Road.
- 59-17 Paul Rouleau: Renew the Second Hand Dealers License for Protechs Solutions located at 345 Central Street.
- 60-17 Best Buy Stores, LP #1433: Renew the Second Hand Dealers License for the location at 33 Orchard Hill Park Drive.
- 61-17 Sooeun Do: Renew the Second Hand Dealers License for S&F Corp., d/b/a Sam and Friends located at 710 North Main Street.
- 62-17 Mark Gordon: Renew the Second Hand Dealers License for Music Mania, Inc. located at Twin City Plaza, 875 Merriam Ave.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITION was GRANTED. Vt 7 "yeas" and 1 "nay". Councillor Chalifoux Zephir opposed.

- 38-17 South Coast Development, LLC: Change the zoning of the three contiguous lots of land at the northeast corner of Central Street and Graham Street, and also the adjacent portion of Graham Street, a public way, from the Residence C and Business B to the Commercial zoning district.

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

- 63-17 Gregory C. Chapdelaine, Purchasing Agent and Glenn Fratto, School Department Business Manager: Allow the Purchasing Agent to award a contract for the School Department's Food Service Program (i.e., cafeteria) for a five (5) year period.

Councillor Bodanza, chair of the FINANCE COMMITTEE, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$11,440,784.75
Free Cash	\$3,319,816.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 "yeas"

- C-60 Relative to the appropriation of \$3,000,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Three Million Dollars (\$3,000,000.00) be appropriated to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

C-61 Relative to the appropriation of \$1,137,933.00 to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of One Million, One Hundred and Thirty-seven Thousand, Nine Hundred and Thirty-three Dollars (\$1,137,933.00) be appropriated to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-62 Relative to the appropriation \$860,914.00 to the School Department Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eight Hundred and Sixty Thousand, Nine Hundred and Fourteen Dollars (\$860,914.00) be appropriated to the School Department Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.

C-63 Relative to the appropriation \$828,341.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - that the sum of Eight Hundred and Twenty-eight Thousand, Three Hundred and Forty-one Dollars (\$828,341.00) be appropriated to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

C-64 Relative to the appropriation \$1,000.00 to the Health Department Expense Account; same to be transferred from the Health Department Salary and Wages Account.

ORDERED: - that the sum of One Thousand Dollars (\$1,000.00) be appropriated to the Health Department Expense Account; same to be transferred from the Health Department Salary and Wages Account.

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

52-17 Jorge Andrew Syiek et al: Accept Constitution Drive and Federal Circle as accepted streets.

Upon recommendation of the CITY PROPERTY COMMITTEE, the following PETITION was given LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 8/0

64-17 Michael Kerrigan and Patrick LaPointe: Allow the Leominster Historical Commission to engrave the gravestone of Henry Sawtelle with the following wording: Henry F. Sawtelle, First Mayor of Leominster 1916-1925.

Upon recommendation of the SMALL BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE, the following PETITION was GRANTED. Vt 8/0

C-65 Dean Mazzarella: Approve a tax agreement between the City of Leominster and Pleasant Street Solar LLC for a solar project located at 950 Pleasant Street.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 8 “yeas”

Emergency Management – Rescue Unit – Christopher Minor

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following RE-APPOINTMENTS were CONFIRMED. Vt. 8 “yeas”

Board of Appeals – Joseph Tocci – term to expire April 15, 2020

Board of Appeals – Alternate Member – Robert Fitzpatrick – term to expire April 15, 2018

Conservation Commission – Larry Gianakis, Jr. – term to expire April 15, 2020

Council on Aging – Carol DeCarolis, Patricia Vallee and Birdie Siciliano – terms to expire April 15, 2020

Cultural Commission – Daisy Casiano and David Letters – terms to expire April 15, 2020

Disability Commission – Dean Carlson – term to expire April 15, 2020

Housing Authority – Marcel Leger – term to expire April 15, 2022

Library Board of Trustees – Susan Chalifoux Zephir – term to expire April 15, 2020

Planning Board Commission – Carol Vittorioso and Thomas Carignan – terms to expire April 15, 2022

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 6 “yeas”.
Councillors Dombrowski and Chalifoux Zephir abstained due to a possible conflict of interest.

The City of Leominster
In the year two thousand and seventeen

AN ORDINANCE

Amending Chapter 22 of the Revised Ordinances entitled “Zoning” by amending the Zoning Map.

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 22 of the Revised Ordinances entitled “Zoning” is hereby amended by amending the Leominster Zoning Map, so that four parcels on Research Drive, identified on the Assessor’s Map as Parcels 503-3-1, 503-3-2, 503-3-3 and 503-3-4, are hereby designated as located in the Multi-Use 1 (MU1) District.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was given FURTHER TIME and referred to the Planning Board. Vt. 7 “yeas” and 1 “nay”. Councillor Marchand opposed. (Hearing Scheduled for May 8, 2017 at 7:00 P.M.)

2nd Reading Ordinance – Amend Chapter 22 of the Revised Ordinances entitled “Zoning” by inserting a new section, Article II, Section 22-16.12 entitled “Recreational Marijuana Establishment Moratorium”. (Legal Affairs – Petition 39-17 – Hearing Scheduled for May 8, 2017 at 7:00 P.M.)

Under New Business a President’s Committee on Street Acceptance was established. The members are as follows:

- Chairman – Mark Bodanza
- Clerk – Gail Feckley
- 3rd Member – Susan Chalifoux Zephir

A committee meeting was established for the President’s Committee on Street Acceptance on Thursday, May 4, 2017 at 5:30 P.M.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following ELECTION ORDER was ADOPTED. Vt. 8/0

**CITY OF LEOMINSTER
SPECIAL MUNICIPAL ELECTION
ELECTION ORDER
May 9, 2017**

ORDERED: that the City Clerk be and she hereby is authorized and directed to notify and warn the voters of the City of Leominster to assemble in their respective polling places in the following ward and precincts of the City, designated by the City Council as follows:

- | | |
|---------|---|
| WARD 2A | FRANCES DRAKE ELEMENTARY SCHOOOL
95 VISCOLOID AVENUE |
| WARD 2B | FRANCES DRAKE ELEMENTARY SCHOOOL
95 VISCOLOID AVENUE |
| WARD 2C | FRANCES DRAKE ELEMENTARY SCHOOOL
95 VISCOLOID AVENUE |

On Tuesday, May 9, 2017 then and there for the purpose of giving in their votes for the election of candidates for the following office:

Ward Two Councillor, for a term beginning May 10, 2017 and ending on the first Monday in January 2018.

And it is further ORDERED: that the polls shall be opened at 7:00 A.M. and closed at 8:00 P.M. and that notice shall be given by publication of this order in a conspicuous place in the office of the City Clerk.

Per Order Leominster City Council
True Copy Attest:
Lynn A. Bouchard
City Clerk

MEETING ADJOURNED AT 9:05 P.M.

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