

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2018

Hearing opened at 6:15 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Cormier.

Hearing continued from March 12, 2018.

Present at the hearing were John Bulger and Dorothy Rouleau.

The following PETITION was the subject of the hearing:

14-18 John P. Bulger & Dorothy Rouleau and ten (10) registered voters: Rezone the following parcels on Pleasant Street and Lowe Street from Residence B to Residence A:

- **Pleasant Street West Side**
 - Map 481, Lots 19 & 20
 - Map 521, Lot 1 & 39
 - Map 488, Lots 1, 5, 6, 7, 8
 - Map 494, Lots 18, 3A, 3-1A, 3-2A, 3-2B, and 3-2C
- **Pleasant Street East Side**
 - Map 561, Lots 35A, 36A, 37A
 - Map 340, Lots 1 & 2
 - Map 410, Lots 1, 2, 3, 4, 5, 22, & 23
 - Map 496, Lots 1, 2, & 3
- **Lowe Street**
 - Map 488, Lot 5

Councillor Dombrowski read a letter from the Planning Board dated March 6, 2018 stating that the Planning Board voted unanimously to recommend keeping the existing zoning of the above referenced parcels as Residence B and to not rezone them to Residence A.

Councillor Dombrowski said the main reason this hearing was continued was to get an opinion from KP Law for the pros and cons of this type of zoning change so that the people who are affected could see in black and white what change or impact this would have on their properties. We received correspondence from Attorney Riley this afternoon and indicated that he hadn't been able to get the opinion done and that he would have it done for the next meeting.

Councillor Freda said she would have liked to have seen this move and give an answer to the public but if you are not comfortable with it I will go along with supporting further time.

Councillor Bodanza said he is in favor of the petition but did express some bit of reservation about the fact that there are a number of lots included in the rezone that he is not sure are absolutely necessary for the goal which is to protect the neighborhood. He said he understands the difficult circumstances that the neighborhood has already suffered from because a prior or historic rezoning of the neighborhood never got accomplished. He would like to see it move tonight.

Councillor Marchand said he is in support with Councillor Bodanza to move forward.

Councillor Feckley said she agrees with the Chair. We need the information from KP Law because there are so many people involved.

Councillor Bodanza said if it moved forward this evening it would require 6 votes.

Councillor Chalifoux Zephir asked if we get the letter from KP Law could we call a Special Meeting to get this resolved. She said she really feels for the neighbors that have been dragged to meeting after meeting. Can it be added to the Special Meeting scheduled April 17th?

Councillor Dombrowski said he didn't have a problem with that.

Speaking in favor of this petition is Nona Ojala of 320 Pleasant Street, John Bulger of 365 Pleasant Street, Michael Antonucci of 41 Woodside Avenue, Carolyn Saulnier of 122 Lowe Street, Candice Frye of 38 Lowe Street, Ron Dupre of 20 Sylvan Avenue, Dorothy Rouleau 54 Lowe Street, Bob Bell of 74 Kendall Hill Road, Dave Franciosi of 162 Lowe Street and Joyce Gosselin of 25 Lowe Street.

Councillor Freda asked what the recommendation was from the Inspector of Buildings.

Councillor Dombrowski said the Director of Inspections recommends denial and consider is spot zoning.

MEETING ADJOURNED AT 6:58 P.M. AND CONTINUED TO APRIL 23, 2018 AT 6:00 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2018

Hearing opened at 7:00 P.M. with Councillor Freda, Clerk of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Cormier. Councillor Dombrowski abstained due to a possible conflict of interest.

The following PETITION was the subject of the hearing:

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive.

Councillor Freda said they received a letter requesting a continuation of the hearing from Jim and Margo Xarras.

No Councillors spoke.

MEETING ADJOURNED AT 7:03 P.M. AND CONTINUED TO MAY 14, 2019 AT 6:45 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2018

Hearing opened at 7:04 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor Cormier.

The following PETITION was the subject of the hearing:

40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities.

Ms. Kelly said recently in Massachusetts voters voted to allow recreational use of marijuana also called adult use marijuana. They recently finalized the regulations last month. They will be processing application this month and issuing licenses as of July 1, 2018. She said this is our opportunity to be sure we are addressing recreational marijuana in our zoning ordinance. She said she and Councillor Bodanza have been working on a draft which you have received a copy last month. It has been issued to the Planning Board for recommendations. They have scheduled their hearing on May 7th.

Ms. Kelly said they have compiled a list of questions for KP Law. Obviously this is a unique situation and there is a lot of confusion about the regulations and what is allowed and the difference between medical marijuana and recreational marijuana. They are operated and overseen by two different state authorities. Ms. Kelly said she has attended some informational sessions with KP Law explaining the regulations and how they can be applied. She said they have also reviewed other drafts and past by-laws and ordinances from other communities in Massachusetts. She said in the draft there is additional information that will have to be inserted from KP Law and if there are any comments or recommendations from the Planning Board they will be inserted also.

Councillor Dombrowski said procedurally what other agencies are you looking for input from?

Ms. Kelly said the Planning Board, KP Law, any questions the City Council or the public will have.

Councillor Dombrowski asked if KP Law has seen the draft.

Ms. Kelly said yes. She said Attorney Brian Riley reviewed back in February or early March and had some additional comments. Since that time the final regulations were approved and so a few other questions came up.

Councillor Dombrowski asked Councillor Bodanza if there was a need for our local ordinance to adopt the Massachusetts regulations? Is there an independent need or does it just happen?

Councillor Bodanza said Kristen and I attended one of those Cannabis Control Commission forums with Joel Bard from KP Law and Councillor Cormier was in attendance as well. It was very informative. There is a specific part of the regulation and statute that says if you don't have zoning then you are open to adult use marijuana business. From a policy perspective the primary question is what zone. Right now it is being limited to the Industrial Zone as it was with medical marijuana. Another large policy question is how many licenses. Councillor Bodanza said one of the questions that Ms. Kelly will be submitting to KP Law is the limitation of 20% of your package store liquor licenses apply to just recreational dispensaries or other types of recreational/adult uses. He said he read the statute and he thinks it applies only to dispensaries but we are going to get a confirming answer from KP Law on that.

Councillor Bodanza said the petition has to come from the Planning Board so the first step is to have the Planning Board decide what the petition is going to be and then they will have to make a recommendation on their own petition and then come before us. From a timing perspective we will be fine. You can't make an application, unless you are a hardship case, until mid-April and can't make an application to the CCC until you have had a Community Impact Meeting and you have a host agreement. It's a little bit backwards than how medical marijuana was. There will be one ordinance for marijuana.

Councillor Dombrowski said he understands that the City is concerned about zoning and use on their end but in order to have the protection of the Code of Mass. Regulations, do we have to incorporate those or will they stand alone?

Councillor Bodanza said they will stand alone, there is a ton of them.

HEARING BEFORE THE CITY COUNCIL, APRIL 9, 2018, continued

Councillor Freda asked Ms. Kelly if she was directed by the Planning Board to draft this ordinance. Did they take a vote to do that?

Ms. Kelly said not originally. She said she did speak with the Chairman, John Souza, about this back in the fall but the final regulations weren't out yet and there were some confusion as to when they would be out. It wasn't brought to her attention to be working on this.

Councillor Freda said I know your name is here but basically Councillor Bodanza wrote the ordinance. So, it is suppose to come from the Planning Board. Your name is on it instead of Councillor Bodanza's name.

Ms. Kelly said she spoke to Councillor Bodanza he said he had an idea and what we can do with this by incorporating the existing ordinance and we discussed it and I thought it was a good idea. He did edit the document and she reviewed it and thought it was a very good first start. She said she ran it by the Planning Board who also agreed it was the direction we should go in.

Councillor Freda asked it that was before a recommendation was sent to them?

Ms. Kelly said yes. They had to vote to sign the petition so they are aware of the process how it came about and they voted to be the petitioner and sent it forward.

Councillor Bodanza said someone had to do it. He felt it wasn't going anywhere and felt if we adopted a moratorium we would be in the same boat at the end of the moratorium. It had to be dealt with. He said he welcomes any input.

Councillor Freda asked for copies of the communications that went back and forth regarding this.

Councillor Feckley said she was at that meeting. When Councillor Bodanza indicated that anybody that wanted to come to the City needed to do it beforehand. They have to have community hearings six months beforehand. Even if somebody walked in tomorrow it would be October. There is a timeline.

Councillor Ardinger said his biggest concerns are with the multi-use facilities and social use facilities. He said it is his understanding that those regulations aren't going to be posted until October, is that right?

Ms. Kelly said in the final approved regulations the CCC purposely left out any details on those particular types of facilities because they felt it was trying to tackle too much at once. They are not clear on the impact and the different conditions regarding those. They want to focus on getting this started and dealing with the basic main points. A subcommittee is looking into how to regulate those types of uses and that will be coming down the road. One of the questions we have for KP Law is concerning on premises consumption such as a marijuana café, etc. I understand these details have been left out of the final regulation until more time is spent developing the details. Another question is should the City be proactive and include some language on these types of facilities in our draft ordinance.

Councillor Marchand thanked Ms. Kelly for being such a professional and stepping up.

MEETING ADJOURNED AT 7:25 P.M. AND CONTINUED TO MAY 14, 2018 AT 6:15 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 9, 2018

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

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

The Committee on Records reported that the records through March 12, 2018 were examined and found to be in order. The records were accepted.

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

C-44 Relative to the appropriation of \$80,000.00 to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account.

The following PETITIONS were received, referred to the WAYS & MEANS and VETERANS AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Treasurer and the Police Department.

55-18 Best Buy Stores, LP: Renew the second hand dealer's license for Best Buy Stores, LP#1433 located at 33 Orchard Hill Park Drive.

56-18 GamesStop Inc: Renew the second hand dealer's license for GameStop #3594 located at 26 Orchard Hill Park Drive.

57-18 GameStop Inc.; Renew the second hand dealer's license for GameStop #1485 located at 100 Commercial Road.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 9, 2018, continued

58-18 Christopher Rivard: Grant a transient vendor's license for the sale of flowers.

The following PETITION was received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Planning Board, the Zoning Board of Appeals, the Director of Inspections and the Health Director. Hearing scheduled on May 14, 2018 at 7:00 P.M.

59-18 James Whitney and ten registered voters: Amend the Zoning Ordinance to add drive through to the allowable uses under MU-1 zoning.

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

Board of Appeals - Stephen A. DeCarolis - term to expire 4/15/2021

Board of Appeals; Alternative member - Lee Baron - term to expire 4/15/2019

Board of Health - Dr. Peter Lanza - term to expire 4/15/2021

Conservation Commission - Paul Colombo - term to expire 2021

Council on Aging – Andriana Fotakis and Betty David - terms to expire 4/15/2021

Cultural Commission - Eileen O'Leary - term to expire 4/15/2021

Disability Commission – Gail Turbide and Marty Turbide - terms to expire 4/15/2021

Historical Commission – Donald Piermarini, Michael Kerrigan, Chester Carter and Patrick LaPointe
terms to expire 4/15/2021

Housing Authority – Sylvia Lamb - term to expire 4/15/2023

Library Board of Trustees – Mark Bodanza and Lawrence L. Nfor - terms to expire 4/15/2021

License Commission - James J. Kelly, Jr. - term to expire 4/15/2024

Planning Board – Patrick Perla and Fred Fredricks - terms to expire 4/15/2023

Recreation Commission – John Ciccolini, Thomas Bissonnette and Richard Green
terms to expire 4/15/2021

Recreation Director – Judith Sumner - term to expire 4/15/2021

Director of Veterans Services - Richard Voutour - term to expire 4/15/2021

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

44-18 Fred R. Tousignant: Renew the second hand dealer's license for 92 Pleasant Street and 38 Spruce Street.

45-18 Jon Andre Zajon: Renew the second hand dealer's license for Georges Fine Jewelers Inc. at 255 North Street.

46-18 Roger Cormier: Renew the second hand dealer's license for Crowne Jewelers at 12 Lindell Avenue.

47-18 Nellye Molina: Renew the second hand dealer's license for J&J Consignment at 285 Central Street.

48-18 Paul F. Rouleau: Renew the second hand dealer's license for Protech Solutions at 345 Central Street.

49-18 Kenneth Goldberg: Renew the second hand dealer's license for Sterling Jewelers Inc. dba Kay Jewelers #1285 at 100 Commercial Road.

50-18 George Deglaoui: Renew the second hand dealer's license for Deghan Inc., 100 Commercial Road.

51-18 ecoATM, LLC: Renew the second hand dealer's license for 100 Commercial Road.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 6/2, Councillors Bodanza and Ardinger opposed. Hearing continued to April 23, 2018 at 6:00 P.M.

14-18 John P. Bulger & Dorothy Rouleau and ten (10) registered voters: Rezone the following parcels on Pleasant Street and Lowe Street from Residence B to Residence A:

- **Pleasant Street West Side**
 - Map 481, Lots 19 & 20
 - Map 521, Lot 1 & 39

- REGULAR MEETING OF THE CITY COUNCIL, APRIL 9, 2018, continued

- Map 488, Lots 1, 5, 6, 7, 8
- Map 494, Lots 18, 3A, 3-1A, 3-2A, 3-2B, and 3-2C

- **Pleasant Street East Side**

- Map 561, Lots 35A, 36A, 37A
- Map 340, Lots 1 & 2
- Map 410, Lots 1, 2, 3, 4, 5, 22, & 23
- Map 496, Lots 1, 2, & 3

- **Lowe Street**

- Map 488, Lot 5

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0 Hearing continued to April 23, 2018 at 6:30 P.M.

33-18 Dean J. Mazzarella: Change the zoning of eight lots of land from the Residence B zoning district to the Commercial zoning district located along the north side of Mechanic Street and the south side of the unimproved portion of Glendale Street and also the unimproved Milton Street and adjacent portion of Glendale Street, all as shown on a plan entitled “Plan to Accompany Petition for Zoning Change – Leominster, Mass. Prepared for Dean J. Mazzarella”, dated January 10, 2018, by Whitman & Bingham Associates, LLC.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 7/0, Councillor Dombrowski abstained due to a possible conflict of interest. Hearing continued to May 14, 2018 at 6:45 P.M.

39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0. Hearing continued to May 14, 2018 at 6:15 P.M.

40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was given FURTHER TIME. Vt. 8/0. Hearing set for April 23, 2018 at 7:00 P.M.

41-18 Kristen Kelly, Planning Director: Amend Article XI, Section 22-60 of the Leominster Zoning Ordinance to add language requiring Deep Observation Hole Testing for storm water infiltration/detention areas.

Upon request of the LEGAL AFFAIRS COMMITTEE, the following PETITION was TABLED. Vt. 8/0

43-18 Jim RePass, SVP and Mike Stanley, CEO of Transit X: Grant an easement to Transit X, LLC for the construction of a Podway along municipal rights of way.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 8 “yeas”

52-18 Officer Patrick Bresnahan: Request the designated handicap parking space be created on the north side of the Gallagher Building where there are currently four parking spaces on Merriam Ave.

53-18 Paula Deacon: Accept MGL Chapter 72, Section 71F Nonresident or Foster Care Students- Deposit of Tuition Payments and State Reimbursement for the purpose of establishing a new revolving fund for the deposit of tuitions from other districts.

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

Stabilization Account:	\$14,517,855.00
Taken from Acct. this FY	\$ 4,611,690.00
Balance	\$ 9,906,106.00

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

C-43 Relative to the appropriation of \$125,000.00 to the Fire Department Overtime Account; same to be transferred from the Stabilization Fund.

ORDERED:- that the sum of One Hundred Twenty Five Thousand Dollars (\$125,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Stabilization Fund.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 9, 2018, continued

Upon recommendation of the FINANCE COMMITTEE, the following PETITION was GRANTED. Vt. 8 “yeas”

54-18 Gregory C. Chapdelaine and Paula Deacon: Allow the Purchasing Agent to enter into a contract for the School Department’s photocopier needs for a five year period.

Under Old Business, Councillor Freda asked if there was any word on Free Cash.

Councillor Bodanza said he inquired again today and there was no update.

Councillor Freda asked if the School Department was holding it up.

Councillor Bodanza said he didn’t have that conversation just the words no update. He said he doesn’t know what the hold up is.

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

City Clerk -Lynn A. Bouchard - term to expire April 15, 2023

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for April 23, 2018 at 7:10 P.M. Vt. 8 “yeas”

1st Reading Ordinance – Amend Chapter 16, Section 16-34 of the Revised Ordinances entitled “Classification of Positions” by deleting the classification of S-9 for City Clerk and inserting in its place the classification of S-10; such amendment to be effective July 1, 2018.

Under New Business, Councillor Dombrowski established a Legal Affairs Committee Meeting for May 10, 2018 at 5:30 P.M.

Councillor Feckley said she established a Ways & Means and Veterans Affairs Meeting for April 17, 2018 at 5:00 P.M. to review the process for hiring a new City Clerk, discussion and review of applications for the position of City Clerk and enter into an executive session for the purpose of reviewing the applications for the position of City Clerk. She also said after their committee meeting there will be a Special Meeting starting off with a public forum. Matters before the City Council will include interviews with the finalists for the position of Assistant City Clerk. Under New Business is election of Assistant City Clerk-term to expire April 15, 2023.

Councillor Feckley said she has an updated list for the appointments to Boards and Commissions and there are quite a few Commissioners and Board Members whose terms have already expired or will be expiring soon. She asked the Council President to ask the Mayor to review the list and see if there is anyone else he wishes to reappoint.

Councillor Freda said Wednesday night is the 24th Rotary Vocational Awards. There are ten recipients. Tickets are still available through any Rotarian.

MEETING ADJOURNED AT 8:14 P.M.

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