

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018

Hearing opened at 6:03 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 13, Section 13-77 of the Revised Ordinances entitled "Stop Signs" to insert the following:

- F&L Road, against southbound drivers at North Street
- Atlantic Avenue, against northbound drivers at North Street
- Primrose Avenue, against southbound drivers at North Street
- Lake Street, against northbound drivers at North Street
- Woodsome Avenue, against southbound drivers at North Street
- Morningside Street, against northbound drivers at North Street
- Sargent Avenue, against southbound drivers at North Street
- Cullen Avenue, against northbound drivers at North Street
- Stuart Avenue, against southbound drivers at North Street
- McKinley Street, against northbound drivers at North Street
- Amy Avenue, against northbound drivers at North Street
- Westminster Avenue, against southbound drivers at North Street
- Hobson Street, against northbound drivers at North Street
- Greenwich Avenue, against southbound drivers at North Street
- Schley Street, against northbound drivers at North Street
- Elmwood Avenue, against southbound drivers at North Street
- Beth Avenue, against northbound drivers at Debbie Drive
- Albert Drive, southwest bound drivers at Central Street
- Albert Drive, heading northwest bound onto Central Street

And further amending by deleting the following:

- Tanzio Road, against eastbound and westbound drivers at Aspinwall Avenue.
- Graham Street, against east and westbound drivers at Central Street.
- Litchfield Street, against southwest bound drivers at Central Street
- Willard Street, against northeast bound drivers at Lancaster Street.
- Viscoloid Avenue, against southbound drivers at Lancaster Street.
- Whitney Street, against northeast and southwest bound drivers at Mechanic Street.
- Whitney Street, against northeast and southwest bound drivers at Water Street.
- Lindell Avenue, against eastbound and westbound drivers at Merriam Avenue.
- Washington Street, against northeast and southeast bound drivers at Merriam Avenue.
- Bel Air Heights, against eastbound drivers at Old Mill Road.
- Aspinwall Avenue, against northbound drivers at Malburn Street.

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018, Continued

- Johnson Street, northwest bound entering Viscoloid Avenue.
- Johnson Street, southwest bound entering Viscoloid Avenue.
- Day Street, against southwest bound drivers at Main Street.
- North Street, against east and westbound drivers at Main Street.
- Mill Street, against westbound drivers at Haws Street.
- Mill Street, against westbound drivers entering Haws Street.
- Park Street, against southbound drivers at Monument Square
- River Street, against northwest bound drivers at Hamilton Street.
- River Street, against southeast bound drivers at Main Street.
- Nichols Street, against northbound drivers at North Main Street.
- Lindell Avenue, against eastbound drivers at North Main Street.
- Cross Street, against westbound drivers at Central Street.

And further amending by inserting the following:

- Bainbridge Street, against southeast bound drivers at Willard Street.
- Graham Street, against westbound drivers at Union Street.
- Gamache Lane, against southbound drivers at Grant Street.
- Decicco Drive, against northbound drivers at Union Street.
- Grant Street, against eastbound drivers at Central Street.
- Research Drive, against eastbound drivers at Central Street.
- Emerson Lane, against northbound drivers at Holland Woods Road.
- Holland Woods Road, against westbound drivers at Pleasant Street.
- Walden Court, against northbound drivers at Holland Woods Road.
- Tanzio Road, against northeast bound drivers at Lancaster Street.
- Tanzio Road, against east bound drivers at Malburn Street.
- Bel Air Heights, against westbound drivers at Legate Hill Road.
- Samoset Drive, against southeast bound drivers at Willard Street.
- Spindletop Drive, against southwest bound drivers at Samoset Drive.
- Ballard Court, against northwest bound drivers at Samoset Drive.
- Keeneland Circle, against southeast bound drivers at Samoset Drive.
- Candlewood Drive, against northwest bound drivers at Keeneland Circle.
- Candlewood Drive, against eastbound drivers at Willard Street.
- Samoset Drive, against northeast bound drivers at Candlewood Drive (intersection closest to Willard Street).
- Candlewood Drive, against southeast bound and northwest bound drivers at Samoset Drive.

Councillor Cormier spoke in favor of the ordinance.

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

HEARING ADJOURNED AT 6:09 p.m.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018

Hearing opened at 6:10 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following ORDINANCE was the subject of the hearing.

Relative to amending Chapter 13 of the Revised Ordinances entitled "Motor Vehicles and Traffic by inserting a new section 13-68.1 "Bicycles Lanes as follows: In accordance with the provisions of chapter 89, section 9 of the General Laws of Massachusetts, the following streets are designated for marked bicycle lanes: North Street (south side) from Lunenburg town line to 100 feet west of Main Street and North Street (north side), from 100 feet west of Main Street to Lunenburg town line.

No Councillors spoke.

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

HEARING ADJOURNED AT 6:12 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018

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

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.

This hearing was continued from April 9, 2018.

In attendance was Kristen Kelly, Planning Director. She said the Planning Board opened their public hearing and continued it. Their thought was to form a joint committee between some members of the Planning Board and the City Council. She said there may be two or three members from the Planning Board.

Councillor Bodanza said it seems to him that it would be appropriate that the members of the Legal Affairs Committee be part of the joint committee because ultimately that is where this petition will end up.

Councillor Freda said she spoke at the Planning Board meeting and they felt that they have not reviewed all documents so it would be a good give and take.

It was decided to schedule a Legal Affairs Committee meeting and invite the Planning Board members that wish to attend.

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

Councillor Dombrowski said they will schedule a Legal Affairs Committee meeting under new business and they will continue this hearing until June 11, 2018 at 7:00 P.M.

HEARING ADJORNED AT 6:22 P.M. and continued to June 11, 2018.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018

Hearing opened at 6:30 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

This hearing was continued from April 23, 2018

The following PETITION was the subject of the hearing.

33-18 Dean J. Mazzearella: 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. Mazzearella", dated January 10, 2018, by Whitman & Bingham Associates, LLC.

Dean Mazzearella, owner of the property and Anthony Cleaves from Whitman and Bingham were present at the hearing. They submitted updated plans, a traffic flow study by Green International Affiliates and a power point presentation all are on file in the City Clerk's office.

Anthony Cleaves said that his original petition stated there were eight lots to be rezoned when in fact it is only seven lots. At the time the petition was being prepared he thought it was eight lots. He learned through the assessor office that it was actually only seven because two of the lots had been merged. He neglected to change the summary of the petition to reflect seven rather than eight before he filed it with the City Clerk. Also there is an errant arrow on the plan and that led to some confusion as to what is being changed. The solid black line on the plan outlines what should be rezoned. The new plan he submitted makes those corrections. He also summarized the breakdown of each of the parcels as requested. The new total area to be rezoned would be 75,873 square feet.

Councillor Dombrowski read into the record a letter in support from Nathan Fontaine, 449 Mechanic Street.

Mr. Mazzearella went through the power point presentation with the City Council. Mr. Mazzearella said that this project has his name on it and that he has no interest as developing it as residential. If this rezoning fails he will most likely sell it before he considers residential.

Councillor Pauline Cormier asked if Mr. Mazzearella could explain why this was not included in the overlay district at the time the city wide rezoning was done.

Mr. Mazzearella said from his recollection the ward councillor said that the neighborhood did not want this included. Mr. Mazzearella said that no one showed up at any of the public meetings to say that but he believes that the rest of the Council went along with the ward councillor's wishes. He said the overlay district goes all the way down Mechanic Street and stops at Seventh Street.

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018, continued

Councillor Feckley said that at the last hearing she asked if this is a two story building and you said it was not. The pictures submitted show a two story building.

Mr. Mazarella said that at the beginning of the hearing he said that the pictures show it is a colonial but it is only a picture of what it may look like and he is planning a one story building. He said that there was a question about the paper road. He owns that paper road and if it is an issue we recalculated and will move parking as necessary. He said he talked to two lawyers and was told that the road means nothing because he owns the property abutting both sides of it.

Councillor Chalifoux Zephir said that she believes the Mechanic Street Overlay District came into effect in 2012 and she would like to read an excerpt from that. "The purpose is to enhance business maintenance and growth while preserving the integrity of adjacent residential neighborhoods, promote revitalization and reduce conflict caused by incompatible development." She said she was around at the time but not on the zoning committee. She said Councillor Bodanza who was not a councillor at the time but a paid consultant was there. Councillor Nickels who is no longer with us, Councillor Lanciani who is no longer on the council and the ward one councillor at that time, were on the committee. She said she will go over her notes but she cannot believe that anything on lower Mechanic Street was part of the overlay district because until 2012 it didn't exist. She said she believes the Mechanic Street Overlay district was not meant for commercial development but for places like on the corner of seventh that has a dry cleaner below and apartment above or further up where there is a store front on the first floor and again residence above.

Councillor Chalifoux Zephir said that she believes at the time of the rezoning you were asking for your property to be rezoned Commercial and there was some confusion as to whether it was a request by you or your son so that is why it was not considered for rezoning.

Mr. Mazarella said he has the transcripts and that VHB did not know him from a whole in the wall. It was pretty obvious then and the planning board director said that this was clearly commercial. If you look at route 9 in Framingham they did a really nice job rezoning and that is what VHB was trying to do. At the time there was request for rezoning on Orchard Street and what we were trying to do with VHB was to create overlay districts such as that going up Merriam Ave. up to Antonioni's building. I am asking that you just look at my lot and see that it should be commercial. He believes that the overlay district was supposed to go all the way down to the connector but at the last minute his property was taken out. He has the documentation to prove it.

Councillor Chalifoux Zephir said that she would like to see that documentation. She said the way she remembers it is that the document submitted by VHB was in such poor condition that it prompted the City Council to create a Zoning Committee to clean up the poor job that was done by VHB. She said that she grew up on Holman Ave and that whole area was squeezed by commercial development. That is why she is against commercial development impacting the residents in that neighborhood.

Mr. Mazarella said he wants to keep his business here and he could go elsewhere. He said himself and his daughter built two of the nicest houses on French hill and he would not do anything to hurt the neighborhood. If he sells this property someone can build residential and no one will have any control. They can put driveways out to Glendale Street or out onto Mechanic Street and the City Council will have no control over that. He said he will not build residential there and will not put his name on residential there so if he has to he will sell it.

Council Zephir asked about access to the two parcels already zoned commercial. Could they gain access through Commercial Road?

Mr. Cleaves said they would have to go through the IC Credit Union Property. It would be hard to access that because there is a 30 foot elevation between IC and those two lots.

Councillor Dombrowski asked how they would stabilize that slope.

Mr. Cleaves said that slope would be stabilized with vegetation. If they found it could not be done that way they would have to do a retaining wall.

Councillor Freda said her recollection of the zoning time frame does not match yours. She said that the scope of work presented to VHB was very specific and did not include what the Council wanted to do for the overall area.

Councillor Bodanza said he was a consulting to the zoning committee and most of the work was around the language of the zoning document not the map. He said they did a fraction of work on the map. He said they looked at parcels that should be MU1 as opposed to MU2 and vice versa. This parcel did come up but he remembers that there was a feeling that this should be Commercial. The ward two councillor, Councillor Nickels kept an open mind but in between meetings he did neighborhood canvassing and ultimately it was not zoned to commercial.

The following spoke in support of this petition:

Joe Quinn, 391 Union Street, Leominster
 Dave Gagne, Newport Street, Fitchburg
 John Bulger, 365 Pleasant Street

The following spoke in opposition of this petition:

Peter Latchis, 22 DiMasa Drive, Leominster
 Mel Austin, Twelfth Street, Leominster
 Sandy Hapgood, Eleventh Street, Leominster
 Melissa Bible, 178 Fifth Street, Leominster
 Tom Cornacchia, Joslin Street, Leominster
 Deb Cocci, 283 Mechanic Street, Leominster
 Brian Testa, Mechanic Street, Leominster

HEARING ADJOURNED 8:22 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018

Hearing opened at 6:30 P.M. with Councillor Freda, Clerk of the LEGAL AFFAIRS COMMITTEE presiding. All members were present except Councillor Dombrowski.

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.

This hearing was continued from April 9, 2018.

Councillor Freda read into the record letters from the Planning Board and the Building Commissioner in opposition of this petition. Letters from the Zoning Board of Appeals, Fire Department, Police Department and Health Director stated that they had no objection to the granted of this special permit. Letters are on file in the City Clerk's Office.

The petitioner presented a handout consisting of the site development plan, a summary of the facility and diagrams of the greenhouse systems. All materials are on file in the City Clerk's Office.

In attendance was John Glowick, CEO Prime Wellness Centers, Frank Matthews, Director of Security, Jay Farerra, Architect, and James Xarras, property owner.

Mr. Glowick we are currently building our dispensary at 1775 Lock Drive. We at Prime Wellness have three RMD licenses. That gives us the opportunity to put three cultivation facilities in the Commonwealth of Massachusetts. Our first one is going to be inspected by the Department of Public Health in Sterling. This is the one I presented to you as the cultivation facility that would be supplying product here in Leominster, Worcester and in Shrewsbury. In light of what the future brings we know we are going to have more cultivation facilities here in Massachusetts. In light of what the future brings, we know we have to build more grow facilities. Of the twenty that were given licenses, nine have not yet began building their facilities so that puts the whole program behind the eight ball.

Mr. Glowick said that under the Baker Administration the new application process we got three of the first six licenses given out. There have been a lot of delays with the state and the Cannabis Control Commission has taken away a lot of the duties given to the Department of Public Health. As of January 1st they will take over all duties relating to application process and the Cannabis Control Commission will take over. Mr. Xarras told him that he has four additional acres and so we decided to try to get a Special Permit. It is zoned appropriately and I thought it may work out.

He said he thinks that Planning Board and the Building Commission have got it wrong. He has had discussions with Building but not Planning. We are the same RMD that got permission for a dispensary so we can be co-located in the same area. There are currently eight RMD in Massachusetts in which the growing facility and the dispensary are co-located. It proves that I am a different RMD than the dispensary. Hence, the Building was not quite sure. You are allowed to have three RMD's in the State of Massachusetts which we did. If we so choose we could inter-mingle three growing facilities with three dispensaries.

Mr. Glowick said the barrier should exist between Middlesex Integrative and ourselves that was approved in the Crowley Building. That barrier is about 1100 feet. He said he thinks you could advised the Planning Board of the difference if you so choose to do so. What we are proposing is a facility that is 48,000 square feet of which 40,000 would be canopy growth. He is proposing to put his second growing facility here in Leominster. He is approved for three. The facility is a greenhouse type facility. The company who builds it is Nexus who is probably the finest manufacturer of greenhouses in the country. I spoke with the Director of Agriculture for the state and mentioned Nexus and he said they are the best company, they have been doing it for seven years and they are the premier greenhouse builders. He has visited greenhouses in Louden New Hampshire which Nexus has built and they are all glass. He is thinking of using these greenhouses that have a polycarbonate material for the roof. The walls will be 4 inch thick steel with insulation that will give you security but it controls the heat and humidity. There is a picture in your packets that I gave out tonight of these greenhouses.

These greenhouses will allow him to save 30% of the cost of grow lights and amount of electricity used. This is what the Commonwealth is looking for in terms of conservation. We will be able to conserve water by re-using residual water from the plants and water that we are recovering from the HVAC System. Lower cost result in lower pricing of the product and that is what we want to keep long range compatibility. He said we have a good labor force here in Leominster. Traffic wise you will just have employees going in and out and maybe one delivery a day. That's all we will be doing is bring the pails of buds to our facility in sterling. He said he expects to hire 10-12 people and adding an additional 6-8 employee down the road. They may also be hiring 10 -12 part-time seasonal worker. No cash will be at the cultivation facility at all. There will be cash at the retail facility and in a vault.

Councillor Freda asked if the two buildings are going to be connected.

Mr. Glowick said if the Building Inspector says it must be one building we will connect them together. Again I am saying it is the same RMD for both building. We put something on the plans to connect the two buildings because of what the Planning Commission has said.

Councillor Freda said we approved 1775 Lock Drive for the retail and now you are proposing 1771 Lock Drive. This is where you need to go back to the Building Department.

Councillor Freda asked about the sides of the building.

Mr. Glowick said the sides of the building are 12 feet the top is the polycarbonate glass. You will not see the plants from the road.

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018, Continued

Councillor Freda said that when you were here for the 1775 building I asked you about finances and who you were using for a bank. You said you were using Century Bank and now I hear they are in a little bit of trouble.

Mr. Glowick said they are still with Century Bank and have been for two years in New Hampshire. He said there was a hiccup about 8 weeks ago when Jeff Sessions said he was going to go after the banks but as you know within two weeks there was a change.

Councillor Freda said she thought there were lawsuits against the bank under the RICO act for racketeering. If you don't have a bank available how would you pay your employees?

Mr. Glowick said he thinks his employees would love to be paid cash but they cannot do that as there is such a thing in this country as the IRS. Mr. Glowick said he has not heard anything about that and they continue to use the bank and their employees and vendors have continued to get paid. He said he doesn't know because they haven't run into that yet. He would have to meet with his team and come up with a plan.

Councillor Bodanza said he thinks we may have a problem with the buffer zone. Not necessarily with your building but with the distance from Middlesex Integrative. My understanding from memory is that they measured this from building to building not lot line to lot line and Middlesex just squeezed out the 1,000 feet by a few feet. As I look at your plan, this structure that you are planning to build is a little over 200 feet closer than your RMD is. So how he looks at it is that you now are closer to Middlesex so you would not meet the 1,000 foot buffer requirement. If you are correct, and I think you may be about the your own RMD, you may still have a problem with Middlesex. Also, on your parking plan you have 20 parking spot and you said you are having 12 employees. Assuming each employee has a car you are left with only 8 spots. Do you have another plan for parking?

Jay Farrerra said that they would make another parking area behind the building for employees and with a new access road there could be spots there.

Councillor Bodanza asked if they plan on turning this medical marijuana RMD into a recreational marijuana facility.

Mr. Glowick said yes.

Councillor Bodanza said another concern is that when you came in front of us for a letter of non-opposition it was medical only. He said he believes at the time we asked you that and you had no interest in recreational marijuana.

Mr. Glowick said he believes only one question was asked at the time, possibly by Councillor Marchand, and we had no idea at the time what direction recreational marijuana was going.

Councillor Freda said that she was the one that asked the question at that time and she recalls that it was said that you had no interest in doing anything other than medical marijuana. She said she is sure it is in the minutes somewhere.

Councillor Bodanza said that is fine but you are coming to us with a request for a Special Permit but you are bringing a plan that facially doesn't work. He also expressed concerns that this new plan did not show compensatory storage.

Jay said that the new plan does not show the storage but the old plan does.

Councillor Bodanza said that at the minimum he would like to see that on a plan before he votes for a Special Permit.

Councillor Chalifoux Zephir asked if in the cultivation center he was planning on growing marijuana for both medical and recreational.

Mr. Glowick said yes. He said doctors prescribe marijuana for Glaucoma, Cronies Disease, and Oncology. We grow particular strains according to what the doctors prescribe. This is a whole new process for recreation in the State of Massachusetts. We will learn these things. There are probably 10-12 strains that are more for recreational. There are over 1,000 strains out there but the difference is that with state supported marijuana there are analytic test done on every batch before it can go out. In the black market you do not know what you are getting. There could be pine needles in there.

Councillor Ardinger said that you have a vertical integration for an RMD. If you add a retail RMD to this facility is it one or two?

Mr. Glowick said it is one. He said recreational and medical are now considered one. That is why the Cannabis Control Commission is taking everything over as of January 1, 2019. The fees and permitting process will all be the same for medical or recreational once that happens.

Councillor Ardinger asked if it is true that growing the marijuana puts out a pungent odor.

Mr. Glowick said it does and that is why there will be charcoal filters used in the operation.

Councillor Ardinger said that in the medical marijuana facility he doesn't image it would be busy all day as far as traffic is concerned.

Mr. Glowick said probably 25 to 30 cars per day to start. He images that down the road 2 to 3 years there will maybe be 125 cars per day as people are getting away for prescription drugs. Currently the VA is looking to get away from prescribing opioids and is looking toward cannabis. It is estimated that this will save the VA money.

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018, Continued

Councillor Ardinger then asked if you are expecting 125 cars just for medical how much do you estimate there will be once recreational is added. He also asked what they expected that to do with the traffic with trailer trucks going into the abutters facilities.

Mr. Glowick said approximately 400- 500 per day.

Mr. Xarras said that he is at the property every day and he sees no traffic unless maybe later in the day, after 3:00 P.M.

Councillor Bodanza said that in your handout you said you had a host agreement with the Mayor for your RMD.

Mr. Glowick said that where we are vertically integrated and we already a host agreement.

Councillor Bodanza said that was in conjunction with the letter of non-opposition you received. He said that was based on medical marijuana dispensary. He said you now have a cultivation site with a much larger footprint. You do not have an amended host agreement do you?

Mr. Glowick said no, this is a growing facility and not all that is grown here will be used in Leominster. This facility will become a tax based building.

Councillor Bodanza said he is well aware that the building will generate tax revenue. Where he is going with this is that you negotiated the host agreement for a medical marijuana dispensary and now you are converting this into a recreational facility and a grown facility. He assumes you will have to go in front of the Cannabis Control Commission (CCC) for an additional license and they will require an additional hos agreement. If you want to be a good citizen he would think that you would want to amend or do a new host agreement to reflect the fact that there is also a grow facility.

Mr. Glowick said he disagrees because there is no retail going there just cultivation. What the Baker Administration has said that it was becoming a pay to play. The CCC put out a guideline to say 3% can be charged as a tax for marijuana sold in the community.

Councillor Bodanza said he is well aware and the city has already adopted that but his point is that when you came here originally it was a medical marijuana only dispensary. As Councillor Freda has alluded to at the time you said there would be no recreational at the dispensary. It defies logic that if you are growing the stuff you have to sell it so sales are not the same. Councillor Bodanza said to him you have changed the game. He said that host agreement you presented that was signed by the mayor is ancient history.

Mr. Glowick said the positives to this are that there will be additional taxes, jobs and construction jobs in the area.

Councillor Freda said the host agreement should reflect what you want to do now. The financial implications to the city are the increase in police and fire, up to six additional so the host agreement needs to be relooked at.

We did what the CCC said we had to do. Mayors of all three cities, Leominster, Worcester and Shrewsbury were notified. We did Public meetings, abutters notified. We were one of twenty who received priority status from the CCC.

Council Freda said that she did attend the public meeting but she said that she thought if you wanted to do this in good faith it would not have been at 3:00 P.M. on a Saturday on Patriots Day weekend and the start of school vacation. She said that there was only one person there when she was although she doesn't know if anyone else showed up after.

Mr. Glowick said they had three people show up in Worcester, two people show up in Shrewsbury and two show up in Leominster which included you. We had it on a Saturday because we thought may people cannot not show up during the week.

Mr. Xarras said that I am landlord of the property and also in the construction end of the business. We build the facilities in Peterborough, Worcester, Sterling and Shrewsbury and as much as is done here in Leominster. At one point I approached Mr. Glowick and said that he liked what they are doing. It is a first class operation. He said he doesn't know anything about the banking regulations but so far this man has paid me five million dollars in construction cost. He said he receives a check, deposits it and it is good every time. You are welcome to come to the facility in Sterling, where we are working seven days a week, to see what a first class operation is being built. He said that here I Leominster it will also be a first class operation. He will be receiving the product from the facility in Sterling that we are building.

Mr. Xarras said he would like to see the new facility here in Leominster. He is hiring all Leominster people, contractors from Leominster and even his IT people are from Leominster. He said that what he would like to see is that the dispensary gets their product from here in Leominster. Regardless of where they get the product there still be a dispensary here in Leominster. He said he believes that he should modify the host agreement for the recreational dispensary but what we are talking about here is the grow facility. He said that they are looking for some direction. They had originally planned that it would be two separate building but have gotten feedback from some departments that maybe it needs to be one. If need to we could accommodate that. We just need some direction so we can modify plans.

Councillor Freda said that by no means did she intend to say that they are not financially sound. She just feels there is a lot of money that will be going through the building and wants to know what they will do if they cannot use debit or credit cards because of a problem with the bank they cannot deposit it.

Councillor Bodanza said he would like to make a suggestion. He doesn't really care if the building are connected or not connected. He said that the point is that they have to find out if the building is within 1,000 feet of Middlesex integrative we cannot issue a special permit. We need to get more input from the Building Inspector and the Planning Board.

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018, Continued

Mr. Glowick asked if they are willing to look at the state's 500 foot barrier.

Councillor Bodanza said they are still working on the zoning for adult use marijuana so all they can go by for now is our current zoning.

Mr. Xarras asked if Councillor Bodanza can clarify with the Building Inspector if the 1,000 feet is property line to property line or building to building.

No one in the audience spoke in support or opposition.

HEARING ADJOURNED AT 9:40 P.M. and continued to June 11, 2018 at 6:15 P.M.

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

HEARING BEFORE THE CITY COUNCIL, MAY 14, 2018

Hearing opened at 9:42 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE presiding. All members were present.

The following PETITION was the subject of the hearing.

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 petitioners were not present at the hearing.

No one in the audience spoke in favor or opposition.

Due to the fact that the Planning Board has not yet held their public hearing the public hearing will be continued.

HEARING ADJOURNED AT 9:44 P.M. and continued to May 29, 2018 at 6:45 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2018

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

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

A recess was called 7:37 P.M. to continue the hearings and to hold a public forum. Meeting reconvened at 9:45 P.M.

The Committee on Records reported that the records through May 7, 2018 were examined and found to be in order. The records were accepted.

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2018, Continued

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

- C-54 Relative to the appropriation of \$4,000.00 to the City Council Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-55 Relative to the appropriation of \$150,000.00 to the I.T.T.F. Expense Account; same to be transferred from the Excess and Deficiency Account.
- C-56 Relative to the appropriation of \$94,600.00 to the School Choice Revolving Fund; same to be transferred from the Excess and Deficiency Account.
- C-57 Relative to the appropriation of \$5,000.00 to the Municipal Building Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

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

- 64-18 Mason's Bowling Center: Renew the license for 24 Bowling Alleys at 650 R. North Main Street.
- 65-18 Joanne Atwood: Renew the second hand dealer's license for The Repair Place, Inc. at 100 Commercial Road.

The following PETITIONS were received, referred to the PUBLIC SERVICE COMMITTEE, given REGULAR COURSE and referred to the Director of Inspection, DPW, Planning Board and the City Solicitor.

- 66-18 Barbara Richardson et al: Accept Garfield Street as an accepted way.
- 67-18 Jill A. Natola: Accept Lexington Circle together with the Water Line Easement as shown on the "Street Acceptance Plan in Leominster, Massachusetts" prepared for the Sheldon Hills Realty Trust by Hannigan Engineering Inc. dated March 15, 2018.

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

- Historical Commission – Ronald Girouard – term to expire April 15, 2021
- Board of Health – Wendy Wiiks – term to expire April 15, 2021
- Emergency Management, Rehab Unit – Tyler Yalian

Upon recommendation of the WAYS & MEANS and VETERANS AFFAIRS COMMITTEE, the following PETITIONS were GRANTED. Vt. 9/0

- 60-18 Mark Gordon: Renew the second hand dealer's license for Music Mania Inc. located at 875 Merriam Ave.
- 61-18 Matthew Zvacek: Renew the secondhand dealer's license for Gold Buyers of America located at 100 Commercial Road.

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was DEFEATED. Vt. 5/4, Councillors Pauline Cormier, Feckley, Chalifoux-Zephir, and Dombrowski opposed. Upon written protest by 20% of the neighborhood a ¾ vote was required.

- 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. 8/0, Councillor Dombrowski abstained due to a possible conflict of interest. Hearing continued to June 11, 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 PETITIONS were given FURTHER TIME. Vt. 9/0 Hearing continued to June 11, 2018 at 7:00 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.

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2018, Continued

- 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. (*Hearing continued to May 29, 2018 @ 6:30 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. (*Hearing continued to May 29, 2018 @ 6:15 P.M.*)
- 62-18 Mark C. Bodanza, Esq.: Amend Section 13-77 of the Leominster Municipal Code by adding a stop sign for southwest bound traffic on Commonwealth Circle at the intersection of Exchange Street.
- 63-18 Mark C. Bodanza, Esq.: Amend Section 13-77 of the Leominster Municipal Code by adding a stop sign for northeast bound traffic on Revolution Drive at the intersection of Exchange Street.

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

Stabilization Account Balance:	\$10,061,952.00
Free Cash	\$958,175.00

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

- C-45 Relative to the appropriation of \$1,176,706.00 to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - the sum of One Million One Hundred Seventy Six Thousand Seven Hundred and Six Dollars (\$1,176, 706.00) be appropriated to the Water Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-46 Relative to the appropriation of \$100,000.00 to the Sewer Department Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - the sum of One Hundred Thousand Dollars (\$100,000.00) to be appropriated to the Sewer Department Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-47 Relative to the appropriation of \$815,656.00 to the Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - the sum of Eight Hundred and Fifteen Thousand Six Hundred and Fifty Six Dollars Thousand Dollars (\$815,656.00) to be appropriated to Sewer Department Capital Outlay Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED.Vt. 9/0 Granted with an Emergency Preamble; another vote was required.

- C-48 Relative to the appropriation of \$250,000.00 to the Sidewalk Expense Account; same to be transferred from the Excess and Deficiency Account. (*Granted with an Emergency Preamble on April 23, 2018*)

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 “yeas”; 2 “nays” Councillors Chalifoux-Zephir and Feckley opposed.

- C-49 Relative to the appropriation of \$1,048,157.00 to the School Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED:- the sum of One Million Forty Eight Thousand One Hundred and Fifty Seven Thousand Dollars (\$1,048,157.00) to be appropriated to the School Transportation Expense Account; same to be transferred from the Excess and Deficiency Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

- C-50 Relative to the appropriation of \$130,000.00 to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

ORDERED: - the sum of One Hundred and Thirty Thousand Dollars (\$130,000.00) to be appropriated to the Debt Service-Principle Expense Account; same to be transferred from the Excess and Deficiency Account.

- C-51 Relative to the appropriation of \$5,000,000.00 to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

ORDERED: - the sum of Five Million Dollars (\$5,000,000.00)b to be appropriated to the Stabilization Fund; same to be transferred from the Excess and Deficiency Account.

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2018, Continued

Upon recommendation of the CITY PROPERTY COMMITTEE, the following COMMUNICATION was DENIED. Vt. 4 “yeas”; 4 “nays” Councillors Feckley, Chalifoux-Zephir, Freda, Marchand opposed. Councillor Dombrowski abstained due to a possible conflict of interest.

C-52 Dean J. Mazzaella, Mayor: Request authorization to acquire by purchase, gift, and/or eminent domain, the parcel of land located at Legate Hill Road/Central Street and described in a deed recorded with the Worcester Northern District Registry of Deeds in Book 3977, Page 14, for general municipal purposes, on such terms and conditions as the Mayor deems appropriate; and, as funding therefor, raise and appropriate, transfer from available funds, and/or borrow the sum of \$350,000.00 for the purpose of said acquisition and costs related or incidental thereto; and further, to authorize the Mayor to enter into any and all agreements and execute any and all instruments as may be necessary or convenient to accomplish the foregoing acquisition.

Upon request of the CITY PROPERTY COMMITTEE, the following COMMUNICATION was given FURTHER TIME. Vt. 9 “yeas”.

C-53 Dean J. Mazzaella, Mayor: Request that the property known to the Assessors as Map 302 Block 1A and located on Jungle Road be declared surplus.

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 9 “yeas”.

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

Board of Assessors – William Connor – term to expire 4/15/2021

Upon recommendation of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following APPOINTMENT was CONFIRMED. Vt. 9 “yeas”.

Election of a City Clerk - Katelyn Huffman – for a term beginning July 2, 2018 and expiring April 15, 2023

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen

AN ORDINANCE Amending Chapter 13 of the Revised Ordinance entitled “Motor Vehicles and Traffic” Be it ordained by the City Council of the City of Leominster as follows:

Section 13-77 of the Revised Ordinance entitled “Stop Signs” is hereby amended by inserting the following text:

- F&L Road, against southbound drivers at North Street
- Atlantic Avenue, against northbound drivers at North Street
- Primrose Avenue, against southbound drivers at North Street
- Lake Street, against northbound drivers at North Street
- Woodsome Avenue, against southbound drivers at North Street
- Morningside Street, against northbound drivers at North Street
- Sargent Avenue, against southbound drivers at North Street
- Cullen Avenue, against northbound drivers at North Street
- Stuart Avenue, against southbound drivers at North Street
- McKinley Street, against northbound drivers at North Street
- Amy Avenue, against northbound drivers at North Street
- Westminster Avenue, against southbound drivers at North Street
- Hobson Street, against northbound drivers at North Street
- Greenwich Avenue, against southbound drivers at North Street
- Schley Street, against northbound drivers at North Street
- Elmwood Avenue, against southbound drivers at North Street
- Beth Avenue, against northbound drivers at Debbie Drive
- Albert Drive, southwest bound drivers at Central Street
- Albert Drive, heading northwest bound onto Central Street

And further amending by deleting the following:

- Tanzio Road, against eastbound and westbound drivers at Aspinwall Avenue.
- Graham Street, against east and westbound drivers at Central Street.
- Litchfield Street, against southwest bound drivers at Central Street
- Willard Street, against northeast bound drivers at Lancaster Street.
- Viscoloid Avenue, against southbound drivers at Lancaster Street.
- Whitney Street, against northeast and southwest bound drivers at Mechanic Street.
- Whitney Street, against northeast and southwest bound drivers at Water Street.
- Lindell Avenue, against eastbound and westbound drivers at Merriam Avenue.
- Washington Street, against northeast and southeast bound drivers at Merriam Avenue.
- Bel Air Heights, against eastbound drivers at Old Mill Road.
- Aspinwall Avenue, against northbound drivers at Malburn Street.

Continued on next page

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2018, Continued

- Johnson Street, northwest bound entering Viscoloid Avenue.
- Johnson Street, southwest bound entering Viscoloid Avenue.
- Day Street, against southwest bound drivers at Main Street.
- North Street, against east and westbound drivers at Main Street.
- Mill Street, against westbound drivers at Haws Street.
- Mill Street, against westbound drivers entering Haws Street.
- Park Street, against southbound drivers at Monument Square
- River Street, against northwest bound drivers at Hamilton Street.
- River Street, against southeast bound drivers at Main Street.
- Nichols Street, against northbound drivers at North Main Street.
- Lindell Avenue, against eastbound drivers at North Main Street.
- Cross Street, against westbound drivers at Central Street.

And further amending by inserting the following:

- Bainbridge Street, against southeast bound drivers at Willard Street.
- Graham Street, against westbound drivers at Union Street.
- Gamache Lane, against southbound drivers at Grant Street.
- Decicco Drive, against northbound drivers at Union Street.
- Grant Street, against eastbound drivers at Central Street.
- Research Drive, against eastbound drivers at Central Street.
- Emerson Lane, against northbound drivers at Holland Woods Road.
- Holland Woods Road, against westbound drivers at Pleasant Street.
- Walden Court, against northbound drivers at Holland Woods Road.
- Tanzio Road, against northeast bound drivers at Lancaster Street.
- Tanzio Road, against east bound drivers at Malburn Street.
- Bel Air Heights, against westbound drivers at Legate Hill Road.
- Samoset Drive, against southeast bound drivers at Willard Street.
- Spindletop Drive, against southwest bound drivers at Samoset Drive.
- Ballard Court, against northwest bound drivers at Samoset Drive.
- Keeneland Circle, against southeast bound drivers at Samoset Drive.
- Candlewood Drive, against northwest bound drivers at Keeneland Circle.
- Candlewood Drive, against eastbound drivers at Willard Street.
- Samoset Drive, against northeast bound drivers at Candlewood Drive (intersection closest to Willard Street).
- Candlewood Drive, against southeast bound and northwest bound drivers at Samoset Drive.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”.

The City of Leominster in the year two thousand and eighteen

AN ORDINANCE Amending Chapter 13 of the Revised Ordinance entitled “Motor Vehicles and Traffic” Be it ordained by the City Council of the City of Leominster as follows:

Sec. 13-68.1 Bicycle Lanes

In accordance with the provisions of chapter 89, section 9 of the General Laws of Massachusetts, the following streets are designated for marked bicycle lanes:

North Street (south side) from Lunenburg town line to 100 feet west of Main Street.

North Street (north side), from 100 feet west of Main Street to Lunenburg town line.

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given FURTHER TIME. Vt. 9/0. Hearing scheduled for May 29, 2018 at 6:45 P.M.

2nd Reading Ordinance – Amend Chapter 13, Section 13-66.6 of the Revised Ordinances entitled “Senior Citizen Parking” by rescinding Section 13-66.6 in its entirety.

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given FURTHER TIME. Vt. 9/0. Hearing scheduled for May 29, 2018 at 6:50 P.M.

2nd Reading Ordinance – Amend Chapter 13, Section 13-88 of the Revised Ordinances entitled “Left Turn Prohibition” by inserting Albert Drive, northwest bound to Central Street southbound.

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given FURTHER TIME. Vt. 9/0. Hearing scheduled for May 29, 2018 at 6:55 P.M.

2nd Reading Ordinance – Amend Chapter 13, Section 13-79 Yield Signs by inserting Litchfield Street, facing drivers on the exit to Litchfield Street from Central Street northbound and Litchfield Street, facing drivers exiting Litchfield Street heading southbound on Central Street.

REGULAR MEETING OF THE CITY COUNCIL, MAY 14, 2018, Continued

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given FURTHER TIME. Vt. 9/0. Hearing scheduled for May 29, 2018 at 7:00 P.M.

2nd Reading Ordinance – Amend Chapter 13, Section 13-40 of the Revised Ordinances entitled “One Hour Parking – Between 8:00 AM and 8:00 PM” by deleting in its entirety: Central Street (westerly side), beginning at a point one hundred twenty feet south of Union Street southerly for a distance of two hundred five feet.

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given FURTHER TIME. Vt. 9/0. Hearing scheduled for May 29, 2018 at 7:10 P.M.

2nd Reading Ordinance – Amend Chapter 14, Section 14-21 of the Revised Ordinance entitled “Ingestion of Medical Marijuana on Public Property” by deleting the current text in its entirety and inserting in its place a new Section 14-21 entitled Consumption of Marijuana or Tetrahydrocannabinol (THC).

Upon request of the LEGAL AFFAIRS COMMITTEE the following ORDINANCE was given FURTHER TIME. Vt. 9/0. Hearing scheduled for May 29, 2018 at 7:10 P.M.

2nd Reading Ordinance – Amend Chapter 13, Section 13-77 entitled “Stop Signs” by inserting King Avenue, against westbound drivers at Stuart Avenue.

Under Old Business, Councillor Marchand gave an update on Police Station and LHS Athletic Complex:

Councillor Marchand said Bill from the Assessor’s office reported that everything is moving forward. On the Athletic Fields, Whitman and Bingham indicated that they should have a revised modification on the LHS Athletic Complex by the end of the month. He is also requesting that the Mayor and/or school department come down and give an update as well. He had nothing new to report regarding the Police Station.

Under new business, Councillor Dombrowski established a meeting with the Legal Affairs Committee and Planning Board members for May 29, 2018 at 5:00 PM.

Councillor Ardinger, Chair of the City Property Committee, moved that the following COMMUNICATION was removed from the table. Vt. 9/0. Committee Report as follows:

C-18 (2009) Dean J. Mazzarella, Mayor: Request the land located on Jungle Road as shown on Assessor’s Map 301, Lot 1A (former Transfer Station site) be declared surplus. LEAVE TO WITHDRAW WITHOUT PREJUDICE. Vt. 9/0

MEETING ADJOURNED AT 11:05 P.M.

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