

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018

Hearing opened at 6:00 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

Hearing continued from April 9, 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

Mr. Bulger said he pleads and urges the Council to vote for this petition. He said they have demonstrated that they are not trying to restrict people and not trying to be mean to people. After talking with the Building Inspector and different people and if someone wants to modify their house after it's turned to Residence A they still do have those possibilities. He said the benefit for the neighborhood would be greatly improved.

Councillor Dombrowski said they received a letter from Brian Riley, the City Solicitor, dated April 10, 2018. The letter is clarification as to the specific effects that this change would have on affected property owners, particularly with regard to so-called nonconforming parcels or uses. Attached to the letter is Chapter 6 "Nonconforming Uses and Structures: from the Massachusetts Land Use and Planning Law. The letter and attachment is on file in the City Clerk's office.

Dorothy Rouleau said she is in favor of this petition. She asked the Councillors if they thought the construction was appropriate in their neighborhood which is surrounded by single family homes. She said we are not asking for whole Pleasant Street we are asking for a small portion of Pleasant Street to try and protect our neighborhood. She said the person who did get up at the last meeting was an absentee landlord, does not live in their neighborhood. We not only consider this our home but we consider this our home community where people who live in that area care about their homes and the homes and people that surround them. We have been denied in 2004. We have been ignored during the change in the ordinance but as the buck stops here you could help us protect our neighborhood and she hopes that you will.

Speaking in favor of the petition was Dana Ramos of 30 Lowe Street, Joyce Gosselin of 25 Lowe Street, Michael Antonucci of 41 Woodside Avenue and Ron Dupre of 20 Sylvan Avenue.

In opposition was Robert Bell who owns 290 & 296 Pleasant Street.

Councillor Marchand said he visited the site and witnessed the building they speak of in the back yard. Site Plan Approval was nothing less than an atrocity. It was a direct blow on a beautiful neighborhood. It has to be the grossest example of planning I have ever seen in this City and urges his colleagues to support the petition and work with the neighborhood.

MEETING ADJOURNED AT 6:32 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018

Hearing opened at 6:33 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:

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.

Councillor Dombrowski said the petitioner asked for a continuance.

MEETING ADJOURNED AT 6:34 P.M. AND CONTINUED TO MAY 29, 2018 AT 6:30 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018

Hearing opened at 6:34 P.M. with Councillor Dombrowski, Clerk of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present.

The following PETITION was the subject of the hearing:

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.

Mr. Mazzarella, property owner and the petitioner said he was representing himself. He said the location of the property is Mechanic Street. Also present was Anthony Cleaves of Whitman & Bingham who has represented him for many years. He said what sparked his interest to buy this land was a letter that was written when a former planning director was leaving just before or about when 190 was about to open. At the time he had stated that the state should get ready, this would become a major entrance, this was the beginning of Interstate 190 as it went through to Worcester. He said this is going to be the economic engine of the area and a busy place. That is what started my quest in purchasing properties which was about 30 years ago. He said it is time to do something with it. He said he has put thousands of dollars worth of stone there to keep the dust down as it was a working and active sand pit for many years back 30-40 years ago. Now the land is clear and it's time to do something with it.

Mr. Mazzarella said the area is Commercial and the gateway to the City. It has become the entrance to the mall. There is a gas station, two banks, wastewater treatment plant and the landfill just down the street. He said the actual project is scaled back. The original project called for 18,000 square feet has been backed off to about 14,000 square feet. The building is pushed all the way closest to the IC Credit Union, pushed to the front of the building so you don't have to look at the parking and public utilities. The service area is in the back of the building. The proposed parking is set forth by Planning. We did a combination of retail and office, if could be all office, it could never be all retail. How we come up with the parking spaces is like the mall which is based on square footage and retail. Some of the land is actually zone Commercial that cuts through. This was originally part of the rezoning by VHB and recommended the Mechanic Street Overlay and later on taken out. He said what he won't do with it if the zoning is changed is fast food, heavy commercial, gas stations. It will be a nice project that is well landscaped and well lit with plenty of flag poles. He said his business will go there. The flag pole and the light business and flag portion of the business has grown if not the largest in New England we are probably second. Most of our business is east of here. The location near the highway is critical for us.

Mr. Mazzarella said what can be built by right is five homes with five driveways, five duplexes with ten driveways, agriculture, greenhouses, churches, funeral homes, electrolysis, medical by Special Permit by the Planning Board or medical office. Condos or apartments and 40B.

If this gets approved by the City Council, it would go to the Planning Board and at that time we would have much more detailed plans of exactly what the plan is going to be, where the dumpster will be located, air conditioning units. Traffic plan might be asked for. There is a traffic study for Cumberland Farms that is a few years old could be used.

Mr. Mazzarella said what we won't do, and I have had people say to me and going around to the neighborhood telling the neighbors that we are going to run the road into Glendale Street. That was never the plan or intention. That we were going to build on the top lots near the baseball field that was never in the plan or proposed.

Mr. Cleaves of Whitman & Bingham showed a map of the area and said the intent is to push it all the way to the right hand side of the lot which is closest to the existing Commercial as possible. He showed where the existing Commercial/Residence B line is. He said parking will be off to the side with a fifty foot setback to the nearest residential neighbor. We are trying to give ourselves enough room to have some landscaping and a buffer between the neighbors. Also by having the building on this side it allows us to push the driveway further away from the signalized intersection. There will be one access in and out and beyond there will be a concrete rumble strip median on Mechanic so you can turn in and out and left and right. Sight distance is pretty good on this stretch of Mechanic Street, it's a pretty good straight away. You can see an excess of 600 feet towards the highway and towards Johnson Street its about 500 feet unobstructed with some vegetation in the way before you get to Johnson Street. The existing signalization is a great benefit as it allows breaks in the traffic so coming in and out of the property you get the breaks as the lights turn red and green. That should not be a major issue. Mr. Cleaves shows the zoning in the area on individual maps.

Mr. Mazzarella said people have said this is going to cause sprawl all the way up to Mechanic Street. Just to give you an idea most of these lots are 7500 square feet, maybe 10,000 square feet. In order to replicate just this, and even if the values were \$200,000.00, you would have to pick up 10-15 properties. It would be millions. When you put them all together it's sizable but he was buying land, not houses with land. He said you can build from Seventh Street on down to town and have a business but you can't have a business here.

Mr. Cleaves reviewed a copy of the zoning map, a blowup of the area, a GIS overlay aerial and GIS with the zoning taken off. Mr. Cleaves said there were some errors that were brought to his attention by the Planning Board. The petition lists 8 parcels to be rezoned and only 7 were listed because 2 parcels were already combined with was a corner lot. We are actually talking about 7 parcels. The area has not changed just the 8 parcels to 7 parcels. He said an arrow pointing out into space. It was never the intent to have the City of Leominster parcel be rezoned. Another update is the abutters were from a year ago and didn't update the abutters list at submission. It lists Gagne Properties on the plan on Glendale Street. The applicant has purchased those properties, so two properties are under ownership of Dean Mazzarella. There is also another abutter has since changed and is now Brenden Cavanau which was listed as Claudia Derosier.

Mr. Mazzarella said this proposed project will be his family project and not planning on selling it off. This is the project they would like to do and had in mind for years long before Fidelity put their bank up, long before Cumberland Farms went in. The property was under option under a developer from Concord many years back. Had it on option while they were putting together a plan for an office building. They ended up leaving the City and subsequently the option ran out about 27 years ago. He said this is a project that has his name on it not a project to look to rent to anybody who wants to come in and rent. It will be a sizeable investment in this

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018, Continued

area and Mr. Cleaves will tell you the engineering and the construction, stormwater management plan that goes into this is much more comprehensive and much more costly than a residential project. He said what everyone has to do is set aside their own agenda a look what's best for the City. What is the highest and best use of this property and location in the City. He said he met with the neighbors a year and a half to two years ago and at that time the plan was 18,000 square feet and at that time the issue was get rid of the sand and do something with the property.

Councillor Dombrowski asked Mr. Mazarella is the reason you are requesting Commercial vs. Business use because of the potential spot zoning issue?

Mr. Mazarella said yes, the first one is recommended for the overlay district it was changed later on to go only one lot back. You could easily get around by just taking it all and putting it all on one lot but he didn't want to do that. You can only develop the front and you wouldn't be able to do anything with the back. If the business use, if there was some other zoning that applied that would be better for what we want to do, absolutely. He personally doesn't like the Commercial name to it because it sort of implies gas station, donut place or fast food with a hundred of cars. He said he could have done that long ago when there wasn't a gas station or Fidelity Bank.

Councillor Marchand said earlier this evening he made a comment regarding Site Plan Approval failure as it is today and what it did in his mind to a beautiful neighborhood off of Pleasant Street. In this particular case what plans do you have to protect the integrity of what is around you? You have residential single family homes, you have homes that are rented, a commercial business that is the bank, a little league field with city property. What pledge do you make tonight? This is not Site Plan Approval but in your idea of developing your parcel what can we expect you to do to be able to protect the integrity of the remaining abutters?

Mr. Mazarella said this is not a threat or anything I don't want to do housing so he would probably sell it. In this particular case this probably would be the best landscaped project in the city. It would have more of a colonial look to it. The lighting wouldn't be like looking at the ballfield. It would shoot down to the area. It would be safe, a nice looking building and a great addition to Mechanic Street the entrance to the city. He said he would screen what businesses are that come in. It would be clean, maintained and properly landscaped and lit with plenty of flags and flag poles.

Councillor Marchand said the parcels that were purchased by Gagne Enterprises are pretty close to abutting the little league field so what is the situation with the little league field? Will they be able to shag balls to go over the fence, homeruns, is it a problem? Is it something you would work out with them in a partnership? How would it work?

Mr. Mazarella said even when they were using the third field which is on my property, as long as they had an insurance policy and Mr. Mazarella was named he was fine. He said that went on for 20 years. It was never an issue until the scoreboard. Even that wasn't an issue because all we asked to do was help move the scoreboard. This has nothing to do with the ballfields and I don't want to give anyone the impression it does. He said this might end up being 80% office and not retail at all.

Mr. Mazarella said he told the people that live that he is not going to do anything that has a negative impact to their neighborhood. That would be for all the wrong reasons.

Councillor Marchand said that was a fair answer.

Councillor Pauline Cormier said the properties that are up off of Glendale, so there will be no development there.

Mr. Mazarella said he doesn't think he can put anything on it. He said it has nothing to do with this.

Councillor Pauline Cormier said the property that is on Mechanic Street I assume there is going to be some type of retaining wall at the back of that property, correct?

Mr. Mazarella said yes.

Mr. Cleaves said there is about a 30 ft. lower than Glendale so we are already depressed down from the ballfield and the intent is to have a slope down and then a small retaining wall on areas that need to be captured. Elevation relation to the abutter to the west we are about 8-10 feet lower than that home so we are lower than the neighborhood around us and about the same elevation as the credit union next door.

Councillor Pauline Cormier said she has received a lot of calls from people in the Glendale area that are worried about some sort of cut through.

Mr. Cleaves said it is physically impossible.

Councillor Pauline Cormier asked if there will be any access between the proposed property and the bank?

Mr. Mazarella said no.

Councillor Feckley said you indicated that there were certain amount of parking spaces that you needed to have. When you compare to retail how many retail stores would that add up to?

Mr. Cleaves said about 8,000 square feet of retail calculated and about 4,500-4,600 square feet of office.

Mr. Mazarella said that depends on what he will use or another tenant. We won't know until we get to the final details and that is what will go to the Planning Board.

Councillor Feckley asked if it would be one floor?

Mr. Mazarella said what proposed is a one story building.

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018, Continued

Councillor Feckley said Councillor Cormier asked you about the sand wall in the back and Mr. Cleaves said it was going to have a retainer wall. Will the rest be landscaped?

Mr. Cleaves said it will be a vegetated slope.

Councillor Bodanza said maybe Mr. Cleaves can confirm this for me, a residential development wouldn't require Site Plan Approval, correct?

Mr. Cleaves said it depends on the type.

Councillor Bodanza said five duplexes.

Mr. Cleaves said it would be a building permit. It would be an ANR Plan with the Planning Board, no public hearings, it would be by right and they could build five duplexes.

Councillor Bodanza said for example those three two unit duplexes on Pleasant Street would have not triggered Site Plan Approval.

Mr. Cleaves said no.

Councillor Bodanza said with any commercial development there is a minimum amount of parking spaces.

Mr. Cleaves said there is various criteria for Site Plan Approval and one of them is 10,000 square feet of building, 10 or more new parking spaces, drive thru window, change of use. So this one the square footage and parking would trigger Site Plan Approval.

Councillor Ardinger said when you were talking about the duplexes you said there could be potentially ten driveways coming onto Mechanic Street.

Mr. Cleaves said it could. A lot of times when we have duplexes you can have a driveway for each side. So each lot will have two.

Councillor Chalifoux Zephir said Milton Street is an underdeveloped paper street and is it legal to put parking on the top of the street?

Mr. Mazarella said we are not going up top.

Councillor Chalifoux Zephir said I know you are not going up top but I am saying can you destroy an unapproved paper street that other people have legal access to. By legal access I mean the City of Leominster.

Mr. Mazarella said they do, right through Glendale Street.

Mr. Cleaves said you currently don't have any physical access from Mechanic Street out to Glendale through this portion. It is virtually impossible. It would have to go through a legal process to have it discontinued/abandoned.

Councillor Chalifoux Zephir asked if that process has been done yet.

Mr. Mazarella said no, it depends on what happens with the zoning.

Councillor Chalifoux Zephir said the Assessor's referral that came back did include the City of Leominster parcel on the top of the hill as being part of the rezoning request.

Mr. Cleaves said he didn't see that document.

Councillor Chalifoux Zephir said it was in his response. There use to be two of the lots at the bottom and now there is one.

Mr. Cleaves said on my plan and the position I listed each parcel and that was correct. There was misinformation on the City of Leominster parcel.

Councillor Chalifoux Zephir said on one of the maps it listed 88,000 square feet, is that correct?

Mr. Cleaves said the 88,000 square feet is the total area of the rezoning that includes more than the lots. It included half of Glendale Street and half of Mechanic Street. So the 88,000 square feet listed on the plan is the area of rezoning we propose. The area of the lots themselves including Milton Street is about 66,000 square feet.

Councillor Chalifoux Zephir said the two commercial parcels that were the Gagne parcel, and I know they are not they are not part of this zoning because they are already zoned commercial, but they are not developable as is, correct?

Mr. Mazarella said he doesn't know. It doesn't have anything to do with this plan.

Councillor Chalifoux Zephir said when zoning is changed from Residence B to Commercial you can come down with a nice neat plan and talk about the number of parking spaces, access and it sounds great but we don't approve that. We only approve the change in zoning. So it could be any use listed in the zoning ordinance.

Councillor Chalifoux Zephir said the Mass Department Transportation did a safety audit of that area from Nashua Street all the way up to Commercial Road and they did it because it is an area that is prone to accidents. It was nothing the city asked for. They came up with a short term plan, a mid term plan and long term plan to deal with all the accidents. She said she forwarded the study around. She said people speed and always run the Nashua Street light.

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018, Continued

Mr. Mazzarella said Cumberland Farms submitted a traffic report and speed count from Mechanic and the Connector. He said it did not mention any traffic accidents in his area.

Letters from the following were read and are on file in the City Clerk's Office: Assessors, Building, Zoning Board of Appeals, Treasurer, Planning Board, City Solicitor (2) and Edward Cataldo.

Members of the public speaking in support were David Gagne from Fitchburg, and Joseph Quinn, 391 Union Street, Leominster.

Speaking in opposition were the following:

Peter Latchis, 22 DiMassa Drive
David Nelson, 145 Twelfth Street
Sandy Hapgood, 109 Eleventh Street
Mel Austin, 163 Twelfth Street
Ron Hould, 3 Sixth Street
Melissa Bible, 178 Fifth Street
Rita Sheridan, 156 Twelfth Street
Brian Testa, 705 Mechanic Street

Councillor Pauline Cormier read a letter from Dorothy Rosario in opposition.

Tom Cornacchia, 315 Joslin Street spoke regarding a traffic study done by Cumberland Farms and passed out a copy to each Council member. (Copy on file in the City Clerk's Office)

Councillor Dombrowski said that due to the fact that The Planning Board has completed their hearing or sent a recommendation we will continue the public hearing.

MEETING ADJOURNED AT 8:28 P.M. AND CONTINUED TO MAY 14, 2018 AT 6:30 P.M.

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

HEARING BEFORE THE CITY COUNCIL, APRIL 23, 2018

Hearing opened at 8:29 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding. All members were present except Councillor.

The following ORDINANCE was the subject of the hearing:

Relative to amending 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.

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

No Councillors spoke.

MEETING ADJOURNED AT 8:30 P.M.

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 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 7:33 P.M. and reconvened at 8:38 P.M. to continue the hearings and to hold a public forum.

The Committee on Records reported that the records through April 17, 2018 were examined and found to be in order. The records were accepted.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 2018, Continued

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

- 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.
- 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.
- 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.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 8 "Yea" and 1 "Nay"; Councillor David Cormier opposed. Upon recommendation of the FINANCE COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

- 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.
- ORDERED: - -that the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) be appropriated to the Sidewalk Expense Account; same to be transferred from the Excess and Deficiency Account.

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

- 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.
- 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.
- 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.

The following COMMUNICATION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Director of Inspections, the Planning Board, the Assessor, the Zoning Board of Appeals, the Treasurer and City Solicitor.

- C-52 Dean J. Mazzarella, 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.

The following COMMUNICATION was received, referred to the CITY PROPERTY COMMITTEE, given REGULAR COURSE and referred to the Director of Inspections, the Planning Board and the Assessor.

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

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.

- 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.

The following PETITIONS were received, referred to the LEGAL AFFAIRS COMMITTEE, given REGULAR COURSE and referred to the Traffic Division, the DPW and KP Law.

- 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.

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

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

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 2018, Continued

Upon recommendation of the FINANCE AFFAIRS COMMITTEE the following PETITIONS were GRANTED. Vt. 9/0

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

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following PETITION was GRANTED. Vt. 9 "yeas"

- 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

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was given FURTHER TIME. Vt. 9/0

- 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. (*Hearing continued to May 14, 2018 at 6:30 P.M.*)

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION were given FURTHER TIME. Vt. 8/0. Councillor Dombrowski abstained due to a possible conflict of interest.

- 39-18 Prime Wellness Centers: Grant a Special Permit to build a medical marijuana cultivation facility located at 1771 Lock Drive. (*Hearing scheduled for May 14, 2018 at 6:45 P.M.*)

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION were given FURTHER TIME. Vt. 9/0

- 40-18 Kristen Kelly, Planning Director: Amend Article XVIII, Section 22-105 of the Leominster Zoning Ordinance to include language regarding recreational marijuana facilities. (*Hearing scheduled for May 14, 2018 at 6:15 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. (*Hearing continued to May 29, 2018 at 6:30 P.M.*)

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

Stabilization Account:	\$9,906,165.00
Excess and Deficiency Account	\$1,211,774.00

Upon recommendation of the LEGAL AFFAIRS COMMITTEE the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 "yeas"

- 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.

ORDERED: that the sum of Eighty Thousand Dollars (\$80,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Police Department Salary & Wages Account.

REGULAR MEETING OF THE CITY COUNCIL, APRIL 23, 2018, Continued

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

Board of Appeals - Stephen A. DeCarolus - 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 4/15/2021

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

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 RE-APPOINTMENT was CONFIRMED. Vt. 8 “yeas”. Councillor Bodanza abstained due to a possible conflict of interest.

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

Upon request of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE the following RE-APPOINTMENTS were given FURTHER TIME. Vt. 8/1, Councillor Bodanza opposed.

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

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

The City of Leominster
In the year two thousand and eighteen

AN ORDINANCE

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

Chapter 16, Section 16-34 of the Revised Ordinances, entitled “Classification of Positions” is hereby amended 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 Old Business Councillor Marchand said they are waiting for a third appraisal on the police station piece and the athletic field is dealing with some engineering processes. He said we should keep these on the table. He said he was pleased to hear there are good things happening in Boston to assist us with the police station.

The following ORDINANCE was amended by deleting Samoset Drive, against southwest bound and northeast bound drivers at Candlewood Drive. Upon recommendation of the LEGAL AFFAIRS COMMITTEE, the following ORDINANCE was read once and ADOPTED AS AMENDED and ordered published. A hearing was set for May 14, 2018 at 6:00 P.M.. Vt. 9 “yeas”

ADOPTED as presented and ordered published. A hearing was set for May 14, 2018 at 6:00 P.M.

- 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.
- 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 once, ADOPTED as presented and ordered published. A hearing was set for May 14, 2018 at 6:10 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend 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.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 29, 2018 at 6:45 P.M. Vt. 9 “yeas”

1st 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.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 29, 2018 at 6:50 P.M.

1st 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.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 29, 2018 at 6:55 P.M. Vt. 9 “yeas”

1st 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.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 29, 2018 at 7:00 P.M. Vt. 9 “yeas”

1st 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.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 29, 2018 at 7:10 P.M. Vt. 9 “yeas”

1st 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).

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for May 29, 2018 at 7:05 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend Chapter 13, Section 13-77 entitled “Stop Signs” by inserting King Avenue, against westbound drivers at Stuart Avenue.

The Ways & Means and Veterans Affairs Committee scheduled meetings for the interviews for the City Clerk position on April 30th at 5:00 P.M., May 2nd at 4:00 P.M. and May 3rd at 5:00 P.M.

Councillor Marchand said some of the Councillors participated in the Miles for Marybeth this past Saturday. He said what a great tribute for a wonderful person. There had to be close to a thousand people who attended. He congratulated all the people who organized it.

Councillor Marchand said on Friday, May 18th from 7-11 P.M. there will be a benefit at the Eagles for John Roberge who is battling cancer. There is also a Gofundme page.

Councillor Marchand said on Saturday May 12th at the Eagles there will be A Party With A Purpose which is in conjunction with Michaels Run. Those proceeds will go to mental health.

Councillor Marchand said the National Little League on May 28th grand opening is at 11:00 A.M. and 12:00 P.M. is the Lassie League.

Councillor Feckley said North Leominster Little League is next Saturday starting at 10:00 A.M.

Councillor Pauline Cormier said she believes the 12th Street Little League is going to be May 5th. She said she received an email about Mechanic Street stating 222 Mechanic Street is coming down starting Wednesday morning at 7:00 A.M. and travelers might want to find an alternate route.

Councillor Feckley said for residence of North Leominster, they are starting utility work that will be a prequel to the work they will be doing at Prospect, Hamilton, Mechanic and River Streets. They have started and they work in the late evenings.

MEETING ADJOURNED AT 10:00 P.M.

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