

6:30 P.M. Informational Meeting with Health Alliance

**CITY OF LEOMINSTER**

**CITY COUNCIL**

**JULY 28, 2008**

**HEARING BEFORE THE CITY COUNCIL, 7:00 P.M.**

98-08            Stephen Boucher for Gateway Business Center LLC: Grant a Special Permit for a Mixed Use Development Project at 435 Lancaster Street consisting of 5.95 acres in an Industrial zone and shown on Assessor's Map 443 as Lot 1. (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 7:15 P.M.**

102-08           David R. Mullaney, 511 Lancaster Street LLC: Grant a Special Permit for a Mixed Use Development Project to allow 15% Commercial use at 463 – 477 Lancaster Street located in an Industrial zone and shown on Assessor's Map 443, as Lots 2,3 and 4. (Legal Affairs)

**HEARING BEFORE THE CITY COUNCIL, 7:30 P.M.**

(Continued from July 14, 2008)

Relative to amending Chapter 13, Article III, Section 13-34 entitled "No Parking on Certain Street" prohibiting parking from the corner of the ninety-degree bend bordering Carter Park, east side of Summer Street for a distance of approximately one hundred and eighty seven feet heading towards Water Street and from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of approximately forty-five feet heading west towards Main Street. (Legal Affairs Petition #97-08)

**PUBLIC FORUM, 7:45 P.M.**

**REGULAR MEETING OF THE CITY COUNCIL, 8:00 P.M.**

**ROLL CALL**

**APPROVAL OF RECORDS**

## **COMMUNICATIONS**

- C-6 Mayor Dean J. Mazzearella: Accept a Resolution in regards to the improvements to Imagination Station at Doyle Field. (Ways & Means)

## **PETITIONS**

- 5-09 Robert Bolio, President BRJ Ltd.: Grant a Special Permit for a Mixed Use Development Project to allow 70% Commercial use and 30% Industrial use at 39 Spruce Street located in an Industrial zone and shown on Assessor's Map 20, as Lot 14. (Legal Affairs)

## **APPOINTMENTS**

Emergency Management- Admin Unit – Diane Beaudoin

Veterans Graves Registration Officer – Claude Poirier  
term to expire June 30, 2009

## **MATTERS BEFORE THE CITY COUNCIL**

### **CITY OF LEOMINSTER-FINANCIAL REPORT**

#### **FINANCE**

- C-1 Relative to the appropriation of \$55,000.00 to the Highway Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.
- C-2 Relative to the appropriation of \$3,000.00 to the Conservation Commission Expense Account; same to be transferred from the Wetland's Fee's Reserved for Appropriation Account.
- C-5 Relative to the appropriation of \$846,089.00 to the Street Resurfacing Expense Account; same to be transferred from the Highway State Aid Reserved for Appropriation Account.

## **LEGAL AFFAIRS**

- C-3 Mayor Dean J. Mazzearella: Consider taking, by Eminent Domain, rights associated with properties located at 705 Mechanic Street and 720 Mechanic Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.

**MATTERS BEFORE THE CITY COUNCIL, continued**

**LEGAL AFFAIRS, continued**

- C-4 Mayor Dean J. Mazzarella: Consider entering into an agreement to obtain rights associated with properties located at 473 Florence Street and 475 Florence Street as they pertain to the Bridge Replacement Project on Mechanic Street over the Nashua River.
- 95-08 David Rowlands, Virginia A. Tocci, John M. Dombrowski, James Lanciani Jr., Robert A. Salvatelli, Richard M. Marchand and Wayne Nickel: Amend the Leominster Zoning Ordinance, Chapter 22 - Sections 22-24, by removing "Mixed Use Development Projects" and inserting in its place a new Section 22-24 creating "Industrial Mixed Use Overlay Districts" (Small and Large) and modify the Table of Uses Section 22-26 to reflect said changes.(Hearing continued-date and time to be announced.)
- 98-08 Stephen Boucher for Gateway Business Center LLC: Grant a Special Permit for a Mixed Use Development Project at 435 Lancaster Street consisting of 5.95 acres in an Industrial zone and shown on Assessor's Map 443 as Lot 1.
- 102-08 David R. Mullaney, 511 Lancaster Street LLC: Grant a Special Permit for a Mixed Use Development Project to allow 15% Commercial use at 463- 477 Lancaster Street located in an Industrial zone and shown on Assessor's Map 443, as Lots 2, 3 and 4.
- 103-08 Gail M. Allen, Chairman of the Board of Trustees and Patrick L. Muldoon, President and Chief Executive Officer, Health Alliance: Modify the Health Care Overlay District, Article XIII as shown on a plan entitled "Modification to the Health Care Overlay District, Article XIII" (A hearing is scheduled on August 11, 2008 at 7:15 P.M.)
- 1-09 David Rowlands: Designate Industrial Road no parking on the east side of Eastern Avenue to Jordan Way.
- 2-09 David M. Barry: Grant a Special Permit to remove 3,030 sq. ft. of an existing building and replace it with 3,675 sq. ft. of new building at 44 Pond Street, located in the Flood Plain and shown on Assessor's Map 7, as Lot 5. (A hearing is scheduled for August 11, 2008 at 7:00 P.M.)
- 3-09 John M. Dombrowski: Amend Chapter 21 of the Revised Ordinance entitled "Water and Sewers" by amending Section 21-13 (b) and 21-13 (h) relative to water service and the responsibility of the installation, maintenance, repair, renovation or replacement of the service pipe, stopcock, valve and other fixtures.

**MATTERS BEFORE THE CITY COUNCIL, continued****PUBLIC SAFETY**

- 99-08 Richard Marchand: Place a street light on Pole #59 in the vicinity of 600 Merriam Avenue.
- 100-08 Claire M. Freda: Request the police determine the safety and traffic volume for the possible closure of the bridge on Old Mill Road.
- 4-09 Dick O'Brien, Regional Director for the Trustees of Reservations: Establish two pedestrian crosswalks on Abbott Avenue.

**APPOINTMENTS**

Emergency Management Auxiliary Police Unit  
Eric P. Almeida, Eric M. Schmidt Sr., Roland R. Rivard

Leominster Planning Board – John B. McLaughlin  
term to expire April 15, 2010

**RE-APPOINTMENT**

Trust Fund Commission - John Howard  
term to expire April 15, 2011

**NEW BUSINESS**

Election Order – State Primary - September 16, 2008

**OLD BUSINESS**

President's Drinking Water Oversight Committee

Order of Layout - Accept and approve the Layout of Southers Crossing

**OLD BUSINESS, continued**

2<sup>nd</sup> Reading Ordinance – amend Chapter 22 of the Revised Ordinances entitled “Zoning” Article II, Section 22 to be amended as follows:

1. Section 22-26, Table of Uses, Business Uses is hereby amended by:
  - (a) adding a double asterisk (\*\*) as a footnote to the “N” under the “RC” column for the Beautician and Barber shop entries; and
  - (b) adding “Section 22-20.3” under the “References” column for the Beautician and Barber shop entries; and
  - (c) adding an explanation of footnote \*\* at the end of the Business Uses section of the Section 22-26 Table of Uses to read as follows: “Except that, by special permit from the Planning Board, a beautician or barber shop may be allowed in the Residential C District in accordance with Section 22-20.3”.
  
2. Section 22-20 Residence C Districts, is hereby amended by adding a new Section 20.3 to read as follows:
  - 20.3 The Planning Board may grant a special permit to allow the conduct of a beautician or barber shop as a second principal use within an existing building in the RC District, provided the following criteria are met:
    - 20.3.1 At the time of the application for the special permit, the building has a predominantly single- or two-family residential appearance and is in lawful, mixed commercial and residential use either: (a) as a pre-existing non-conforming use; or (b) in conformance with a previously granted variance; or (c) in conformance with Section 22-16.2.
    - 20.3.2 The proposed beautician or barber shop will replace only the lawfully existing non-residential use of the building, and no changes will be made to the building to accommodate the proposed non-residential use which would significantly alter the single- or two-family character of the building’s exterior.
    - 20.3.3 The existing residential use of the building will not be reduced in area to accommodate the proposed non-residential use;
    - 20.3.4 On-site parking shall be provided in accordance with Section 22-67; and
    - 20.3.5 Signs shall conform to Section 22-84.1

(Legal Affairs Petition 67-08)

**OLD BUSINESS, continued**

2<sup>nd</sup> Reading Ordinance - amend Chapter 22, Section 16.10 through 16.10.2 (Generally Permitted Uses in an Industrial or Commercial District) to change the Special Permitting granting authority from the City Council to the Planning Board. (Legal Affairs Petition 75-08)

2<sup>nd</sup> Reading Ordinance - amend Chapter 13, Article III, Section 13-34 entitled "No Parking on Certain Street" prohibiting parking from the corner of the ninety-degree bend bordering Carter Park, east side of Summer Street for a distance of approximately one hundred and eighty seven feet heading towards Water Street and from the corner of the ninety-degree bend bordering Carter Park, north side of Summer Street, for a distance of approximately forty-five feet heading west towards Main Street. (Legal Affairs Petition #97-08)

**TABLED PETITION UPON WHICH ACTION IS PROPOSED****LEGAL AFFAIRS**

97-06 Dorothy Rouleau: Adopt a Demolition Delay Bylaw to protect historically significant resources of the City of Leominster by considering alternatives to demolition of buildings 75 years old or more.

Lynn A. Bouchard  
City Clerk  
July 24, 2008