



John Souza
Chairperson

Carol Vittorioso
Vice Chairperson

Office of The Planning Board

City of Leominster, Massachusetts

City Hall

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Leominster, MA 01453

Phone: 978-962-3543

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LEOMINSTER CITY CLERK
2022 FEB 03 10:55

**MEETING MINUTES
PLANNING BOARD MEETING
January 3, 2022
6:30 P.M.**

MEMBERS PRESENT

John Souza, Chairman (via phone)

Carol Vittorioso, Vice Chair

Salvatore Ciccone (Arrived at 6:32pm)

Paul Weizer

Thomas Carignan (via phone)

Dean Valliere

MEMBERS EXCUSED

Jason Pare

Pat Perla

STAFF PRESENT

Elizabeth Wood, Director

Scribe for this 1/3/22 Planning Board Meeting: Elizabeth Wood, Planning and Development Director

Note: Stephanie Whitten, The Principal Planning Clerk, was not present for this meeting, absence was excused.

SCHEDULED PUBLIC HEARINGS & OPEN PUBLIC MEETINGS

6:30 Continued Open Public Meeting for Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant

- Anthony Cleaves, Whitman and Bingham said the traffic study, designed by Pare Corporation is ready and it was emailed to staff this evening.
- Mr. Cleaves stated that the Traffic Engineers would present the traffic study at the next meeting.
- Mr. Cleaves stated that a peer review was going to be required for the traffic study.
- Mr. Cleaves stated that he wants to get that process moving along tonight.
- Elizabeth Wood stated that the next meeting available for the public hearing would be 2/7/22.
- Carol Vittorioso asked who would be conducting the peer review.
- Ms. Wood stated that she has been in contact with several engineering firms as a result of working on other projects in the city.
- Ms. Wood stated that she has been dealing with maybe 5 firms that could do a traffic review.
- Ms. Wood stated that we have used Green International in the past and could go with them.



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- Salvatore Ciccone asked if this would have to go out to bid.
- Mr. Cleaves said that things like this typically do not need to go out to bid.
- Ms. Wood stated that she could get 3 quotes and also see what the availability of the firms was to do the review.
- Ms. Vittorioso said that why don't we work with the engineer and applicant to find a reviewer.
- Ms. Wood reiterated that she could check with 3 and see what pricing and availability is and then administratively make a decision.
- Ms. Vittorioso said Ms. Wood can communicate with the applicant.
- Ms. Vittorioso asked if anyone from the audience had any further comments. No one had any comments.
- Ms. Vittorioso asked if any Board members had any other comments.
- Mr. Souza asked the applicant if they were looking at any other options on the layout.
- Mr. Cleaves said there will be no changes to the layout.
- Mr. Cleaves stated that we are focused on the traffic Study.
- Ms. Wood stated there were a lot of comments on the layout at the last meeting and revising it.
- Ms. Wood stated that if that's going to happen, I would need enough time to do a review.
- Mr. Ciccone said we would have to look at what the traffic study says and go from there.
- Ms. Wood confirmed that staff has the authority to get escrow money and conduct the peer review.
- Paul Weizer stated, yes, when we make a formal motion.
- **Mr. Weizer made a motion to continue the hearing to 2/7/2022 at 6:30PM. The motion was seconded by Mr. Ciccone. Roll call vote: John Souza, Aye, Thomas Carignan, Aye, Salvatore Ciccone, Aye, Paul Weizer, Aye, Dean Valliere, Aye, Carol Vittorioso, Aye. Motion passes 6-0.**

6:40 Public Hearing for City Council Petition #20-22, Re: Overflow lots: To amend the zoning ordinance pertaining to the parking of unregistered vehicles (*Scheduled by order of the Chairman*).

- Ms. Wood stated that you might recall that the Board has already looked at this and that the City Council has made a referral back to the Board for comment.
- Ms. Vittorioso stated that back in November of 2021, on behalf of the Planning Board, Elizabeth Wood filed a petition pertaining to the parking of unregistered vehicles.
- Mr. Vittorioso summarized the proposal and asked if anyone had any comments.
- Mr. Souza said he had a question on the Table of Uses.
- Mr. Souza stated that he said New or Used automobile dealer, everything is no except for Special Permit Industrial.
- Mr. Souza stated that we have new or used automobile dealers in commercial areas and he thinks it's an error.
- Mr. Souza stated that he thinks Special Permit in Commercial or Business B.
- Mr. Ciccone stated that we don't have just commercial.
- Mr. Ciccone stated that there's industrial.
- Mr. Ciccone stated that what could end up a problem is there are places that do mechanical repairs with 10 or 20 cars sitting there not registered and he does not see that mentioned in here.
- Mr. Ciccone stated that he thinks you need to mention that.



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- Mr. Carignan said that is a good point and that he has a tow yard and a body shop and he has a number of vehicles unregistered.
- Mr. Ciccone stated that Mr. Carignan was ok the way the ordinance reads, but what about a garage on Central Street or on Main Street and they have 10 cars.
- Mr. Ciccone stated that all of the places that do repair have a bunch of cars out there and they aren't necessarily registered because they may pick them up as a wreck.
- Mr. Ciccone stated what about auto body and is that a registered yard?
- Mr. Ciccone stated that it's not a dealership and not a used or new car dealership.
- Mr. Ciccone stated that's not mentioned either.
- Mr. Carignan said there are a number of salvage yards in the City.
- Mr. Souza asked if they are licensed.
- Mr. Carignan said yes.
- Mr. Ciccone asked if he had a service station if he would be allowed 20 cars because he may get to fixing them.
 - Mr. Ciccone stated that he thinks we need to look at this zoning amendment a little deeper so that we don't have problems down the road.
- Ms. Vittorioso asked how we should proceed?
- Ms. Wood asked Mr. Ciccone if he wanted to work on it with her.
- Mr. Ciccone stated yes.
- Mr. Ciccone stated we need to address mechanic shops, the auto body's and first we need to look at the licenses that they have.
- Mr. Carignan said if someone has a license it usually states how many cars are allowed on the property.
- Mr. Weizer asked if we wanted to continue the hearing.
- Ms. Vittorioso stated that she would help Elizabeth as well.
- Ms. Vittorioso asked if Mr. Souza wanted to look into the zoned areas where this is allowed, Business B and C as well?
- Mr. Souza said I don't think we want it in residential.
- Mr. Souza stated Business B and C and Industrial.
- **Mr. Weizer made a motion to continue the hearing to 2/7/2022 at 6:40pm. The motion was seconded by Mr. Ciccone. Roll Call Vote: Dean Valliere, Aye; Carol Vittorioso, Aye; Salvatore Ciccone, Aye, Paul Weizer, Aye; Tom Carignan, Aye; John Souza, Aye. The motion carries 6-0.**

REGULAR MEETING

1.0 CALL TO ORDER

- Ms. Wood called the roll: Patrick Perla, excused, Paul Weizer, here; Salvatore Ciccone, here; Tom Carignan, here; Jason Pare, excused, Dean Valliere, here; Carol Vittorioso, here; John Souza. 6 Total members were in attendance.

2.0 MINUTES OF PREVIOUS MEETING

2.1 November 15, 2021



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- **Mr. Ciccone made a motion to approve the minutes of 11/15/2021. Mr. Weizer seconded. Roll call vote: Dean Valliere, Aye; Carol Vittorioso, Aye; Tom Carignan, Aye, John Souza, Aye; Paul Weizer, Aye; Salvatore Ciccone, Aye. The motion passes 6-0.**

3.0 PLANS SUBMITTED

3.1 ANR Application for 905 West Street Map 262, Parcel 26

- Ms. Wood passed out the plans for 905 West Street
- Doug Andrysick of Andrysick Land Survey introduced himself, stating that he is here on behalf of David Arsenault of 905 West Street.
- Mr. Andrysick stated that it's out on the northly end of West Street almost at the City Line.
- Mr. Arsenault lives at 905 West Street containing his house and 35,000 sq. ft. of land and he also owns an abutting parcel containing just under 35,000 sq. ft. of land.
- Mr. Andrysick stated that he would like to eliminate the lot line between them and combine both parcels into one undivided lot with containing just under 70,000 sq. ft. of land with 425' of frontage.
- Mr. Ciccone said he meets all the requirements.
- **Mr. Ciccone made a motion to endorse the plan. Mr. Weizer seconded. Roll call vote: Tom Carignan, Aye; John Souza, Aye; Paul Weizer, Aye, Salvatore Ciccone, Aye; Carol Vittorioso, Aye; Dean Valliere, Aye. The motion passes 6-0.**

4.0 OLD BUSINESS

4.1 Continued Site Plan Application for Merriam Avenue, Map 261, Parcel 5, Starbucks Restaurant

- **Mr. Weizer made a motion made a motion to allow the Planning Director to hire, along with the applicant, an independent traffic engineer to conduct the peer review. Seconded by Mr. Ciccone. Roll Call vote: Dean Valliere, Aye, Carol Vittorioso, Aye; Salvatore Ciccone, Aye; Paul Weizer, Aye; John Souza, Aye; Tom Carignan Aye. The Motion passes 6-0.**

5.0 NEW BUSINESS

5.1 City Council Petition #20-22, Re: Overflow lots: To amend the zoning ordinance pertaining to the parking of unregistered vehicles. *Planning Board to make recommendation to City Council.*

- Ms. Vittorioso said this is continued to 2/7/2022 for some amendments to who else would apply as exemptions to that. And perhaps the table of uses.
- Mr. Ciccone mentioned other uses such as auto body.
- Ms. Wood stated that some of those are on other tables.
- Mr. Souza said we would have to make sure those are listed.

6.0 COMMUNICATIONS

6.1 Katie Lane (Legate Place Subdivision) – *Planning Board to review request for extension on completion of improvements*

- Mr. Xarras joined via telephone and Ms. Wood confirmed that he was present on phone.



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- Ms. Wood stated that we have Mr. Souza and Mr. Carignan on the phone.
- Ms. Wood stated that we have Paul Weizer, Salvatore Ciccone, Carol Vittorioso and Dean Valliere in person.
- Ms. Vittorioso stated good evening to Mr. Xarras and asked him if he was looking for an extension on completion of improvements for Katie Lane, the Legate Place Subdivision.
- Mr. Xarras stated that the status of the project is something that we worked out with the DPW.
- Mr. Xarras stated that during the time that it came to the Board, we were waiting on input from the DPW and that's why we asked to be continued.
- Mr. Xarras stated that unfortunately that message didn't get through and you had a hearing on it and since then we have resolved everything.
- Mr. Xarras stated that we have an agreement with the DPW, so we are asking if that can be extended so that we can consummate our deal with the DPW.
- Ms. Vittorioso wanted to read into the record an email dated November 10, 2021, that hopefully you are aware, from Ray Racine to Elizabeth:

Elizabeth,

John and I have visited Katie Lane and have the following recommendations.

Mr. Xarras has agreed to regrind and pave Katie Lane in its entirety.

The drainage easement will be loom and seeding to established and avoid erosion.

He will have all legal work completed for eminent domain takings for roadway acceptance.

Please let me know your opinion.

Raymond Racine

Director of Public Works

- Mr. Xarras stated that that document is accurate.
- Mr. Ciccone asked Mr. Xarras if he was looking for an extension.
- Ms. Wood stated that we had originally given Mr. Xarras until 11/1/2021 to make improvements.
- Ms. Wood stated that Mr. Xarras is asking that we not exercise the bond and allow him the opportunity to make improvements and make the extension to somewhere along the lines of June 1st.
- Ms. Wood stated that it's up to the Board.
- Mr. Xarras stated that most of the work is weather sensitive and we would need a period of time to do it when the weather is appropriate.
- Ms. Vittorioso asked if June 1st is a realistic deadline.
- Mr. Xarras stated probably not because we have to do the regrind and loom and seed.
- Mr. Xarras stated that we have to do the eminent domain taking.
- Mr. Xarras stated the issue with the roadway is that it will have to be a taking for the street right of way and that's the real issue, the legal issue.
- Mr. Xarras stated that he doesn't think that's going to happen by June 1.
- Ms. Vittorioso asked what about August 1st?
- Mr. Xarras stated that he thinks that's more realistic.
- Mr. Ciccone asked what would be a good timetable so that we hit it, could it be August or would it be September?
- Mr. Xarras stated that he thinks August is reasonable as it's more the legal work.
- Mr. Xarras stated that the physical grinding of the road is only a 3-week operation and Ray Racine has already organized that with a contractor and loaming and seeding is just weather.



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- Mr. Xarras stated that it's a small area to loam and seed and those two items aren't significant time wise.
- Mr. Xarras stated that the significance is that it will be an actual eminent domain taking and we are working with Kopelman and Page and two of your City Councilors to get that done.
- Mr. Xarras stated that it's very difficult to put a timeframe on that kind of stuff because there is a lot of expertise and it seems reasonable August 1st is doable.
- Mr. Ciccone stated we should shoot for a date and if we need to change it, we would go from there.
- Mr. Weizer referenced a letter in the packet from Ms. Wood dated 9/22/21 to Mr. Xarras stating other issues with the DPW.
- Mr. Weizer asked if we are just forgetting all of that or are you satisfied that those things are resolved?
- Ms. Wood stated its up to the Board.
- Ms. Wood stated that when the DPW first made an inspection, they made a list of all of the those things that needed to be done and then when they met with the DPW again they had a different take.
- Mr. Weizer asked if those issues had been resolved.
- Ms. Wood stated no, they haven't been resolved.
- Mr. Weizer asked why we are deferring to the DPW to decide what is necessary.
- Ms. Wood stated that that was from the DPW as well.
- Mr. Ciccone asked Mr. Xarras when he talked to Mr. Racine and the DPW for the resolution is this, did he show you the paperwork from the meeting that said what improvements that had be completed and did he give you that breakdown.
- Mr. Xarras stated that yes, he did.
- Mr. Ciccone asked if the two of them worked together and if it was all taken care of now?
- Mr. Xarras stated that yes, we came to agreements over a lot of that stuff and some of this is the situation where the city has been maintaining that road for the last 14 years and there were some issues that had been addressed that I think John Roseberry or whoever wrote the letter was not aware of and Mr. Racine was.
- Mr. Xarras stated so when we had a meeting with Ray and John, some of the items that he was discussing had already been resolved. Ray had input. That's why we were waiting for the meeting with Ray and John. And Ray explained to the that those issues had already been resolved so those were eliminated by the items to performed list.
- Mr. Weizer asked who wrote the 9/22/21 letter.
- Ms. Wood stated that she did.
- Mr. Weizer asked if we were not talking about the same thing.
- Mr. Ciccone stated yes, we are actually and this was Roseberry who dealt with it first and Ray...
- Mr. Ciccone stated so why don't we just have them review everything to make sure it is all set?
- Mr. Weizer stated the first item on the letter is the detention basin and has that been resolved?
- Mr. Ciccone stated that he doesn't know.
- Mr. Ciccone asked Mr. Xarras if the detention basin is the first item on that letter, says it needs to be cleaned of debris shrubs and trees, right?
- Mr. Ciccone stated that the second item is the drain line from the rear of the house and do you want us to just give the letter over to Mr. Roseberry and Mr. Racine and see if all of this stuff is good and done.
- Mr. Xarras stated that we could do that, but we have already done that.
- Mr. Xarras stated that is why we met with Ray Racine and John Roseberry.
- Mr. Xarras stated that we had a follow-up meeting where Ms. Wood was at that meeting and we sat down and them and I agreed to review the letter, which we did, and we came to a final agreement.



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- Mr. Xarras stated that he presented that final agreement and we agreed to perform what was in the final agreement.
- Mr. Xarras stated that he thinks he memorialized this with the letter to Elizabeth.
- Mr. Ciccone stated that's good.
- Mr. Ciccone stated to just have Mr. Racine send us remarks on this so that this goes in the file and everything stay's clean, it sounds like they talked about most of it.
- Mr. Souza stated that the final approval needs to be with the DPW anyway.
- Mr. Ciccone stated right.
- Mr. Weizer asked why Ms. Wood is reviewing this if we are just going to ignore it and say we will give final approval to the DPW
- Mr. Ciccone stated that they already had the discussion around these things that are in the letter.
- Ms. Vittorioso stated, but these are Mr. Roseberry's comments.
- Mr. Weizer stated they are not Ms. Wood's comments and I don't see anything in that agreement that says they've addressed her comments and I think we should honor Ms. Wood's concerns.
- Mr. Ciccone stated that they should give us clarification regarding John Roseberry's letter and that everything is up to standard as far as the concerns that we have listed.
- Ms. Wood stated that she is just confirming with the DPW that this was done and the only thing that's outstanding is what's in the email.
- Ms. Vittorioso stated that we are going to extend the completion of improvements to 8/1/2022 including the 7 items, if necessary.
- Ms. Vittorioso asked if any one on the phone had any comments.
- Mr. Souza stated why don't we get the road work and get that done early and phase it.
- Mr. Souza stated to get the road work done and then give the rest of the legal work a second date.
- Mr. Souza stated that way we get some of that cleaned up and people aren't dealing with that for another year and we get the road work cleaned up and give them until August to get the paperwork done.
- Ms. Vittorioso asked if we wanted to schedule this under communications on the first Monday in June and just see what the status is and if Mr. Xarras needs more time, he can request more time.
- Mr. Ciccone asked if all the road work has to be done before you even submit the legal paperwork?
- Ms. Wood stated that the first Monday in June is June 6th.
- Ms. Vittorioso stated that we would put this under communications for June 6th and we will see what the status is at that time and if Mr. Xarras needs till August 1st to do the physical work, we will give that to him.
- Mr. Weizer stated that in the meanwhile Ms. Wood was going to check on the 7 conditions.
- Ms. Wood stated that she was going to check and see if the 7 positions are taken care of and that the only things outstanding are what is in the email.
- Ms. Vittorioso stated that I am inferring that because what he has in his email is what's number 4 and 5 in the letter.
- Ms. Vittorioso asked if anyone on the phone had anything further.
- Mr. Xarras, Mr. Carignan, and Mr. Souza all said no.

6.2 40 B Application for Marcello Avenue with ZBA. Planning Board to provide recommendation to ZBA.



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- Mr. Souza stated that the first question we had on this was for Ms. Wood to go to the hearing and fill us in on what she learned.
- Ms. Wood stated that she attended the Citizen Planning Training Collaborative and they basically said that that the Planning Board's comments are very valuable and that the ZBA needs to depend on the Planning Board, but the only thing the Planning Board could say to make them alter the major design of it would be the public safety and the Fire Departments comments on access.
- Ms. Wood stated that they had something on environmental, but it doesn't apply in this case and they said local wetland ordinance do not apply only state, so I put in my memo the waivers that would be required if they were to do a subdivision and those comments are supposed to be heavily taken into consideration with the ZBA but they are non-binding.
- Ms. Wood stated that the next meeting for this was supposed to be January 5th, but it got continued until January 19th and it will be a virtual meeting.
- Mr. Souza stated that Ms. Wood had comments that we had discussed as far as the mailboxes and stuff like that on a regular site plan and he still thinks we want to put in our comments to the ZBA that the road extension doesn't meet the ordinance because it's over 500'; and that the cul-de-sac, the road can't run through a parking lot; the road width is insufficient; and they do not have on the plans on the drawings for what the construction of the road should be.
- Mr. Souza stated that's missing and that should be in there.
- Mr. Ciccone stated that he agreed.
- Mr. Ciccone asked, so what do we do?
- Mr. Souza stated that we put it in a letter to the ZBA and they've got to tell them to fix it.
- Mr. Souza stated that all we can do is give the ZBA the information and I'd like to have a member of the Board there to emphasize what we are talking about.
- Ms. Vittorioso stated that if it is going to be virtual, it will be easier to attend.
- Mr. Ciccone stated that could be a mess.
- Mr. Souza stated it is shaping up to be a real mess because they are trying to take short cuts and the attitude seemed to be, "This is a 40B we can do anything."
- Mr. Souza stated that he thinks the road thing is a safety issue.
- Mr. Carignan stated he thinks the plan is a mess actually.
- Mr. Souza said yes. They are trying to make short cuts.
- Mr. Souza stated that he likes the organization and he has supported the organization over the years. but the short cuts they are doing under the direction that someone is giving them is going to cause problems and we try to look out for the City as a whole.
- Mr. Ciccone stated what does that mean?
- Mr. Ciccone asked if someone has to be at the meeting and have they received this?
- Ms. Wood stated that the ZBA has not received her letter because that was her letter to the Board and this is my comments, it's not the Board's recommendation.
- Mr. Ciccone asked what else we needed?
- Mr. Souza stated that the Board needed to add to that [Ms. Wood's Letter] The road itself is going through the parking lot.
- Ms. Vittorioso asked if the Planning Director could write a letter to the ZBA with a laundry list of their concerns.
- Ms. Vittorioso stated that if this is a virtual meeting, she can zoom in and read the list of concerns.



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- Ms. Vittorioso stated that it really should be brought to their attention ahead of time and if we submit the concerns a week ahead of time.
- Mr. Souza stated he got the impression from the ZBA is that they were looking for assistance from the Planning Board and they don't deal in this.
- Mr. Souza stated to get Ms. Wood to give them further input.
- Ms. Wood stated, hold on. [adjusted the land line phone connection]
- Mr. Souza stated it is appropriate to take the added information and give it to the ZBA and the impression I got is they were definitely looking for input from the Planning Board.
- Ms. Wood asked if the Board wanted her to take her comments and add the comments from the Board.
- Mr. Souza said yes. Your comments should be added to the others so that it all comes from the Planning Board
- Mr. Souza stated that you can do department head comments too and it carries more weight coming from the Board.
- Ms. Wood stated I understand but is the Board supporting the comments that I made as coming from the Board.
- Mr. Ciccone stated yes.
- Mr. Ciccone stated that he had a question.
- Mr. Ciccone stated that on the very first one it says dead ends of cul-de-sacs.
- Ms. Wood stated that is how it's written in the regs.
- Ms. Wood asked if we could rehash what the Board's comments are in addition to what is in this letter.
- Mr. Ciccone and Mr. Souza stated the following:
 1. A road can't run through a parking lot
 2. Submit engineering design for roadway
 3. Conduct a Department Head Review
- Mr. Souza stated that the biggest stuff he saw were the roads and the other stuff Elizabeth caught, is the newer stuff, the mailboxes and the Post Office, that all has to be taken care of, that's Federal.
- Mr. Souza stated that's relatively new and that's something we have in our ordinances, but it came from the Federal Government, and he thinks the federal requirements will supersede the state.
- Mr. Souza stated that we could have a discussion on that.
- Mr. Ciccone stated we don't have to worry about wetlands replication or any of that.
- Mr. Souza stated that, that's Conservation.
- Mr. Ciccone, well I know it's Conservation, but they are saying they don't have to follow our guidelines just the State.
- Mr. Souza stated is the City has more stringent regs, they don't have to follow the City and they have to follow the State requirements.
- Mr. Souza stated that if the City has something more restrictive, they don't have to follow it, our water quality came from the state.
- Mr. Ciccone stated we are going to make a motion and we will make sure that when Elizabeth sends out the note, if we want to add anything else, we will.
- Ms. Wood stated we have a letter we sent out to the ZBA where she wrote down the three things the Board stated last time and they are different than what is in here [current letter to the Board].
- The comments from the Board to add are as follows:
 1. Engineering design for Roadway
 2. Conduct a department head review



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3. A road can't run through a parking lot

- Mr. Ciccone stated that if we missed anything from the previous time, please add that to the letter.
- Ms. Wood recalls there was a comment about there not being enough park space for the children.
- Mr. Ciccone stated, I don't know if we can control that.
- Mr. Souza, but that's a suggestion.
- Mr. Souza stated that we can request it, they can deal with it.
- Ms. Wood asked, what about the comment about the Fire Department to make sure there is appropriate access.
- Mr. Ciccone said absolutely.
- Ms. Vittorioso stated that you have that first and bold at the top.
- Mr. Ciccone stated we should make them do a traffic study on Route 13.
- Ms. Wood asked if you wanted to add that in as a comment?
- Mr. Ciccone stated how many units is the size of the 40B development, how many people, how many cars are we parking?
- Ms. Wood stated we are saying a traffic study should be conducted.
- Mr. Ciccone stated based on number of units and based on parking spots allotted we want to make sure they have enough parking for the people they are putting in there.
- Ms. Wood stated ok, a traffic study shall be conducted based on the number of units and parking spots allotted.
- Ms. Vittorioso asked if Mr. Souza or Mr. Carignan had anything else to add.
- Mr. Souza stated he thinks they have it covered.
- Ms. Vittorioso stated they are authorizing Ms. Wood to draft an updated letter to the ZBA, submit it to them ahead of time before their January 19th Meeting.
- Mr. Weizer asked if the letter would be sent to the Board for review.
- Ms. Wood stated that you want to look at it before I send it out, but there couldn't be discussion on it.
- Ms. Vittorioso stated that Ms. Wood should just copy us on it.
- Ms. Wood stated it will look exactly like it looks with the Boards comments added and it's going to be addressed to the ZBA and tailored to them and any comments from the other letter that aren't in this letter are going to be included and she stated that she will cc the Board.
- Mr. Ciccone stated we could all respond to something if we want to add something here and there.
- Ms. Vittorioso well we can't because it's a violation of the open meeting law, but if we get it, at least we will be aware.
- Ms. Vittorioso stated that it sounds like it's going to be pretty comprehensive.
- Ms. Vittorioso asked for a motion.
- **Mr. Ciccone made a motion that Elizabeth should draft a letter with the points discussed and send it of to the ZBA and cc the Planning Board. Mr. Weizer seconded it. Roll Call vote: Dean Valliere, Aye; Carol Vittorioso, Aye; Salvatore Ciccone, Aye; Paul Weizer, Aye; Tom Carignan, Aye; John Souza, Aye. The motion passes 6-0.**

7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for January 3, 2022

7.1.1 Update on 1771 Locke Drive



Office of The Planning Board

City of Leominster, Massachusetts

City Hall

25 West Street

Leominster, MA 01453

Phone: 978-962-3543

<http://www.leominster-ma.gov>

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Chairperson

Carol Vittorioso
Vice Chairperson

- Ms. Wood stated that she had some brief updates for the Board:
 - There were some inspections of 1771 Locke Drive and there were notations that what was on the ground didn't completely match the site plan.
 - We met with the developer, and he agreed to go to Conservation first and then come back to the Planning Board.
 - Conservation reviewed this on December 28th.

- Ms. Wood read the letter received from Conservation:

Hello Elizabeth,

As discussed the Conservation Commission met with Mr. Marro at the regularly scheduled meeting on December 28th. We discussed the alteration and what was the best way to remedy the violation of the riparian and buffer zone. The Commission issued an enforcement order ordering the owner to file a Notice of Intent for the work done,(what is to be kept and what will be restored). Once I have finished typing it up I will forward a copy of it to you.

Thank you,

Angela Schofield

The City of Leominster Conservation Agent

- Ms. Wood stated she knows Mr. Xarras was here and she didn't know if he wanted to comment further on that.
- Mr. Souza said he thinks Mr. Xarras signed off.
- Ms. Wood stated that Mr. Xarras wanted to be present when we talked about his affairs, so I thought he was here, but he's not.
- Ms. Wood stated so that's the update on that.

7.1.2 Update on Brooks Pond Development

- Ms. Wood stated that she had good very news.
- Ms. Wood stated that there were some outstanding conditions of approval and I spent last month following up on that.
- Ms. Wood stated that she reviewed what was met what was not, working with the different departments.
- Ms. Wood stated that it turns out they've met all of their conditions of approval.
- Ms. Wood stated that she just found out from the Building Inspector today that the lighting is good and that is the last thing I was waiting on.
- Ms. Wood stated there is one more thing that it required that is a check in the amount of \$25,000 has to be submitted for improvements to Fournier field.
- Ms. Wood stated that she didn't know if the Board wanted to call the press and have an official check presentation.



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- Ms. Wood stated that the Board does a lot of hard work, and you don't get a lot of credit for much and this is a positive thing and we could do a little press release.
- Ms. Wood stated that if the press doesn't want to come, we can always take a picture and submit it to the press.
- Ms. Wood stated that maybe we could do it at the February 7th Planning Board meeting.
- Ms. Wood stated that she will check with the Brooks Pond folks and see if that works for them.
- Mr. Ciccone said sure.

7.1.3 Multi-family zoning requirement for MBTA Communities: State Mandate

- Ms. Wood stated that coming down from the State, we have a mandate to do a new zoning requirement for multifamily in MBTA Communities.
- Ms. Wood's comments were the following:
 - o So it's a whole thing.
 - o We have to create a zone.
 - o We have to create new language.
 - o It's the boiler plate coming from the State, that is what we have to do, but I will be bringing it to the Board probably in February.
 - o So be on the lookout.
 - o It's coming down the pipeline.
- Mr. Souza asked if it was to us or is it to the City Council.
- Ms. Wood stated it came to me.
- Ms. Wood stated that the City has to do it whether it comes from the City Council or the Planning Board, I don't know and that she could double check to see if has anything to that effect.
- Mr. Souza said ok, because we had a similar thing to this prior on what we call a 40 R.
- Mr. Souza stated that was, if you were in a MBTA line, the number of Residential C is 8; it would go to 16; and the elevation is 3 stories, and we go to 5.
- Mr. Souza stated that it was ridiculous, but it had to be approved by the City Council prior to anything being done.
- Mr. Souza stated that was a number of years ago and it went to the City Council, and they turned it down.
- Mr. Ciccone stated we are going to find out on that and get back to you.
- Mr. Souza stated that some of this doesn't make sense. And if they write things in Boston you know, it's really not applicable for out here.
- Ms. Wood stated that she'd have to check into it.
- Mr. Ciccone stated that Ms. Wood will check into it and let us know.
- Mr. Souza said we will have to find out what the procedure and who's responsible.

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

- Mr. Weizer stated I learned today we now have the option to do remote meetings.



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- Mr. Weizer stated that given where we are at this circumstance, I'd like us to consider if Covid cases are still rising on February 7th that we have a remote meeting on February 7th.
 - Ms. Vittorioso stated that Mr. Souza will be calling in regardless.
 - Ms. Wood asked if the Board wanted to do a virtual meeting on February 7th, is that what I'm hearing.
 - Mr. Ciccone stated no, let's just see if Covid is still climbing and we'll decided whether or not to go virtual.
 - Mr. Weizer asked when we need to advertise that.
 - Ms. Wood stated we had a continued public hearing on the 7th.
 - Ms. Wood stated that if we post the agenda with the dial in, for the zoom in.
- Mr. Ciccone made a motion to adjourn. Mr. Carignan seconded it. Ms. Vittorioso asked if anyone objected to the motion. Roll call vote: Dean Valliere, Aye; Carol Vittorioso, Aye; Tom Carignan, Aye, John Souza, Aye; Paul Weizer, Aye; Salvatore Ciccone, Aye. The motion passes 6-0.**

Planning Board: Authority & Jurisdiction

The Planning Board is the board of permitted uses. Please be apprised that the authority of the Planning Board is to oversee and administer the City of Leominster Zoning Ordinance and Subdivision Regulations. The Board will act only on these authorities as outlined in the City Charter and no other matters of City business.