



John Souza
Chairperson

Carol Vittorioso
Vice Chairperson

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>

**MEETING MINUTES
PLANNING BOARD MEETING
FEBRUARY 7, 2022 @ 6:30 P.M.**

MEMBERS PRESENT

John Souza, Chairman

Carol Vittorioso, Vice Chair

Thomas Carignan

Salvatore Ciccone

Paul Weizer

Pat Perla

Jason Pare

Dean Valliere

MEMBERS EXCUSED

STAFF PRESENT

Stephanie Whitten, Clerk

Notes:

Scribe for this 2/7/22 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk

Filling in for the Planning & Development Director for this 2/7/22 Planning Board Meeting: Stephanie Whitten, Principal Planning Clerk

Ms. Vittorioso, the Vice Chair, presided as the acting Chairman for this 2/7/22 meeting.

All members were present in-person, except for Mr. Souza who dialed in to the meeting via telephone.



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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

- Ms. Vittorioso opened this Open Public Meeting at 6:30 p.m.
- Ms. Whitten stated the engineer Wesley Flis, from Whitman & Bingham Associates, requested a continuance for this Open Public Meeting.
- Ms. Whitten recommended to the Planning Board that we continue this Open Public Meeting to 3/7/22 @ 6:30 p.m.
- **Mr. Weizer made a motion to continue this Open Public Meeting to 3/7/22 @ 6:30 p.m. Mr. Carignan seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

*Ms. Vittorioso moved to the Regular Meeting, as it is 6:32 p.m.

6:40 Continued Public Hearing for City Council Petition #20-22, Re: Overflow lots: To amend the zoning ordinance pertaining to the parking of unregistered vehicles.

- Ms. Vittorioso opened this Public Hearing at 6:46 p.m.
- Mr. Ciccone stated that he has been working on this one.
- Mr. Ciccone stated that he reviewed the original proposal and thought we might be overregulating stuff, so he decided to review further.
- Mr. Ciccone stated that he met with Ms. Wood and then they brought Peter Niall, the Building Commissioner, into the discussion.
- Mr. Ciccone stated that he asked Mr. Niall what drove this to be updated, and he stated it was an email where people were getting out of control in the used car business.
- Mr. Ciccone stated that we do not have anything to do with the used car business, that is the License Commission Board.
- Mr. Ciccone stated that there are three licenses that the License Board puts out - Class I which is New Dealers, a Class II which is Used Dealers, and a Class III, which is Grandfathered Uses that they do not give any more.
- Mr. Ciccone stated Class III examples are salvage yards or junk yards.
- Mr. Ciccone stated that the state owns the Class III licenses.
- Mr. Ciccone stated that a problem we have been having is that we have a garage downtown and it has a permit to have 10 cars there and they have a gas station plus mechanics working there and they have 35 unregistered cars sitting there.
- Mr. Ciccone stated that the license is for 10 cars.
- Mr. Ciccone stated that we approved the lot across from Leominster Hotel on Central Street, but they were never supposed to use it except to bring cars to the other lot.



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- Mr. Souza stated that is right.
- Mr. Ciccone stated that people are finding loopholes on our regulations.
- Mr. Ciccone stated that he left the last meeting with a list of places that he wanted to go check, that being one of the locations.
- Mr. Ciccone stated that he thinks Mr. Niall got to them as there were not any cars there when he checked it out.
- Mr. Ciccone stated that the way the ordinance was going to be written was to say Industrial Zone only by Special Permit Planning Board but what about the other zones.
- Mr. Ciccone stated but where are the used dealers and where are the new dealers, they are in Commercial, Industrial, Mixed Use I, and some are in Business B.
- Mr. Ciccone asked the Board how much we want to regulate this.
- Mr. Ciccone stated that there are some easy ways we can put a Table of Uses together.
- Mr. Ciccone stated that for unregistered car parking lots for overflow cars they must be owned by a licensed dealer, and they must have a building.
- Mr. Ciccone stated that is one way we can make sure we are doing it right.
- Mr. Ciccone stated that when we approved that overflow lot on Central Street, they had no license.
- Mr. Carignan stated that this is the License Commission, that is a License Commission rule we do not make those rules.
- Mr. Ciccone stated that we want to say where we want it in the future, we can not just have it in Industrial.
- Mr. Ciccone stated that he visited one off Mohawk Drive.
- Mr. Ciccone stated that they had to have 50 plus cars in there and he saw the auto-auction car carriers pulling in and dumping cars off.
- Mr. Ciccone stated that he stopped counting after 13 car carriers he saw.
- Mr. Ciccone stated in order to regulate you can make them come to the Planning Board as a Special Permit, but maybe in order to control it they have to come before the Board with a license in hand with the Special Permit as part of the application.
- Mr. Ciccone stated you could also regulate the overflow lots for the dealers.
- Mr. Ciccone stated that we were blindsided on that lot on Central Street because we did not know that they did not have a license to sell cars.
- Mr. Ciccone stated that they had a meeting with Jim Kelly, the License Board Commission Chairman.
- Mr. Ciccone stated that we need to work with the other Boards, we need to make sure they have licenses before they come for a Special Permit.
- Mr. Ciccone stated that by the next meeting he will have the new table done and we can hammer it out from there.
- Mr. Ciccone stated that he thinks that's the way we regulate it, but we have to start working with some of the other departments.
- Mr. Pare asked if the regulation currently enforces a number or count of cars.
- Mr. Ciccone stated that the regulation states one unregistered vehicle.



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- Mr. Pare stated that we have a rule so is that about enforcement.
- Mr. Ciccone stated that is for residential areas.
- Mr. Pare stated that for the example on Mohawk Drive if they are out of compliance can they enforce anything.
- Mr. Ciccone stated the way he read it he can technically go in, but he better have a couple of other people with him when he goes in as they have had two people threatened in that area for being on private property.
- Mr. Ciccone stated that he had a man following him when he was counting the car carriers.
- Mr. Ciccone stated that he thinks what bothers him the most is that all these are cars are sitting on the bank of the Nashua River.
- Mr. Ciccone stated he thinks there are things we can do right now but we want to put a regulation in place so that they can not keep doing it.
- Mr. Ciccone stated that when they come into us for a Site Plan Approval, we make them come with an approved license as part of the application.
- Mr. Weizer asked Mr. Ciccone if he wanted to continue this to the next meeting.
- Mr. Ciccone stated yes.
- Mr. Ciccone asked if the Board had any additional questions.
- Ms. Vittorioso said to Mr. Ciccone her issue is what is difference it makes if they are registered or unregistered, so for example instead of having 500 unregistered cars we are going to have 500 registered cars.
- Mr. Ciccone stated that they need a license though.
- Mr. Pare stated that is the difference to me, are the vehicles legal to be on the road and then after that it is a slippery slope from an unregistered bunch of cars to a junkyard with cars rotting on a lot.
- Ms. Vittorioso stated that her point is if a car is unregistered than the Police can cite them and asked Mr. Ciccone why this is our concern.
- Mr. Ciccone stated that it is not our concern.
- Mr. Ciccone stated that he is just using those as examples of what has gone wrong.
- Ms. Vittorioso stated that this is the same as someone coming in for a Site Plan to put in a restaurant/bar and they do not have a liquor license.
- Ms. Vittorioso stated that then they start selling liquor, that is not our issue, as we issued the Site Plan only for the restaurant.
- Ms. Vittorioso asked Mr. Ciccone if the problem is that we granted them a used car lot and now there is unregistered vehicles.
- Mr. Ciccone stated that is not the point.
- Mr. Ciccone stated that one we granted was an overflow lot and they could only keep a certain number of cars there and it was not supposed to be used as a showroom.
- Ms. Vittorioso asked what that has to do with unregistered motor vehicles.
- Mr. Ciccone stated that it is not unregistered motor vehicles, it is overflow lots.
- Ms. Vittorioso stated that you and I are in agreement that we do not need this.



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- Mr. Ciccone stated that we do not need it for residential because if the City wanted to close it down, the City Building Inspector has every right to issue a citation.
- Ms. Vittorioso stated that has nothing to do with the fact that there are unregistered motor vehicles on the property that has to do with that they are conducting business in such a way in which their license to do business does not allow them to do so.
- Ms. Vittorioso stated that is a problem, but it is not our problem.
- Mr. Ciccone stated that he would suggest that at our next meeting we get the License Board Chair to come and explain his viewpoint on this, as he has been trying to get some regulation on this as well.
- Ms. Vittorioso stated that when we approve a plan, we usually put conditional upon other departments approvals.
- Ms. Vittorioso stated that what Mr. Ciccone has uncovered has nothing to do with the proposed petition.
- Mr. Ciccone stated that it has everything to do with it.
- Mr. Ciccone stated that it said it was only allowed in Industrial and he stated that you cannot do that because you have them in Commercial, MU1, and Business B.
- Mr. Ciccone stated that for tow yards it is Special Permit Planning Board, but if you have one line added that says must be owned by a licensed dealer, we avoid a lot of that stuff.
- Ms. Vittorioso stated to Mr. Ciccone that she sees what he is saying.
- Mr. Souza stated that there are two problems, one was that it was turned down years ago as a transfer lot and second that they are running a business in the watershed, and they never got the permits.
- Mr. Souza stated that right there should be stopped.
- Mr. Souza stated that also on Tanzio Road, across from the Transfer Station, we approved a building that was going to be a storage building and they stated that they were going to do it in phases because he did not have the money to complete it all.
- Mr. Souza stated that we agreed, and now he has to have 50 or 60 all unregistered cars in there stored.
- Mr. Souza stated not only do we have used car dealers we have to deal with storage facilities which is a different issue.
- Ms. Vittorioso stated that she admires you guys as she thinks we are going above and beyond what our call of duty is here.
- Mr. Ciccone stated that he would like the Chair of the License Commission to come in and tell us what he sees as part of the problem.
- Mr. Ciccone stated that if enforcement has a little bit of bite from something that we can do, it would be a good thing, not a bad thing.
- Ms. Vittorioso opened this Public Hearing to the audience.
 - o No comments were received.
- **Mr. Weizer made a motion to continue this 6:40 Continued Public Hearing for City Council Petition #20-22, Re: Overflow lots: To amend the zoning ordinance pertaining to the**



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parking of unregistered vehicles to the 3/7/22 meeting at 6:40 p.m. and to invite the Chair of the License Commission. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.

REGULAR MEETING

1.0 CALL TO ORDER

- Roll Call at 6:32 p.m.: Mr. Souza stated here. Ms. Vittorioso stated here. Mr. Ciccone stated here. Mr. Perla stated here. Mr. Carignan stated here. Mr. Weizer stated here. Mr. Pare stated here. Mr. Valliere stated here. (8 Board members were in attendance)

*At 6:33 p.m. Ms. Whitten recommended to the Board that we move to Communication 6.3.

- Mr. Ciccone made a motion to move to Communication 6.3. Mr. Perla seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.

2.0 MINUTES OF PREVIOUS MEETINGS

2.1 December 6, 2021

- o Mr. Perla made a motion to accept these minutes. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.

2.2 January 3, 2022

- o Mr. Weizer made a motion to accept these minutes. Mr. Carignan seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.

3.0 PLANS SUBMITTED

3.1 Site Plan Application for 34 Tremaine Street, Map 25, Parcel 6



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- **Mr. Carignan made a motion to schedule this for 3/7/22 @ 6:50 p.m. Mr. Weizer seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

3.2 Special Permit Application for 34 Tremaine Street, Map 265, Parcel 6

- **Mr. Weizer made a motion to schedule this for 3/7/22 @ 6:51 p.m. Mr. Perla seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

3.3 Site Plan Application for 186 & 196 Main Street, Map 56, Parcel 12 & Map 56, Parcel 5

- **Mr. Weizer made a motion to schedule this for 3/7/22 @ 7:00 p.m. Mr. Ciccone seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

4.0 OLD BUSINESS

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

- Ms. Vittorioso stated this has been continued to 3/7/22 @ 6:30 p.m.

4.2 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 stated this has been continued to 3/7/22 @ 6:40 p.m.

5.0 NEW BUSINESS

5.1 None

6.0 COMMUNICATIONS

6.1 Brooks Pond Development: *Planning Board to vote to determine whether or not all conditions of Approval have been met.*

- Peter Bovenzi is the representative for this communication item.
- Mr. Bovenzi provided a check to the Planning Board in the amount of \$25,000 for Fournier Field.
- Mr. Bovenzi stated that that was one of the final conditions for the final approval of Brooks Pond.



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- Mr. Bovenzi stated that they Mayor asked us to give the money to the City for the purchase of a tractor and they will use the tractor to improve Fournier Field.
- Mr. Bovenzi stated that he wanted confirmation from the Planning Board that he meets the requirements.
- Mr. Ciccone stated that there are some real improvements needed there and the tractor is just the touch of it.
- Mr. Ciccone stated that the fields need to be reconditioned and the fences are not good.
- Mr. Bovenzi stated that what he is worried about is that if he does this and then 10 years later there is a problem.
- Mr. Souza stated that he spoke to Judith Sumner in the Recreation Department and the tractor she wants is about \$40,000.
- Ms. Vittorioso asked if we met all the other conditions.
- Ms. Whitten stated that Ms. Wood has reviewed all the other conditions and asked the Board to vote on that.
- Ms. Vittorioso reviewed the following correspondence, for the record the correspondence is as follows:

January 31, 2022

Re: Brooks Pond Village: Conditions of Approval Status Update

Dear Planning Board,

I have coordinated a review of the Conditions of Approval for Brooks Pond Village, Lots 4E-1; Lot 2E-1; and Lot 4D-1; as detailed in a 11/15/2016 letter issued by former Director Kristen Kelly. I have checked with other departments including the DPW and Building to determine that all conditions, except the following have been met:

- *The applicant agreed to contribute \$25,000 toward improvements to Fournier Field.*

The applicant is prepared to attend the Planning Board meeting on 2/7/2022 and present the Board with an informal check presentation to satisfy the above condition. A formal check presentation will take place at the next meeting on 3/7/2022.

If you have any questions or need more information, please feel free to reach out to me.

*Sincerely,
Elizabeth Wood, AICP*



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- Mr. Bovenzi stated that he has no issues with the tractor, he just wanted the Planning Board to be aware.
- Mr. Bovenzi stated that they know that the tractor will be used at Fournier Field.
- **Mr. Weizer stated that he acknowledges that all the conditions of Brooks Pond have been met. Mr. Carignan seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

6.2 Mary Avenue Subdivision: Request for Covenant Release. *Planning Board to make motion for staff to generate bond estimate and to collect escrow.*

- Ms. Whitten stated that we received a request to release the covenant, so we need to place the bond.
- Ms. Whitten stated that we reached out to DPW, and they stated they were good.
- Ms. Whitten stated that they also completed part of the Phase I construction.
- Ms. Whitten stated that we also received an estimate from McCarty Engineering on what it would cost to provide an estimate for the bond amount.
- Ms. Whitten stated that we checked with the Purchasing Department, and they stated that anything under \$10,000 does not need to go out to bid, however we need to keep their department in the loop because it runs on a fiscal year for totals.
- Ms. Whitten stated what we need right now is for the Board to approve the estimate received from McCarty Engineering and for Ms. Wood to obtain \$3,000 from the applicant which is the estimate to place the bond.
- Ms. Whitten stated that we also need to make a motion for Ms. Wood to reach out to McCarty engineering to go ahead and start the process to receive the bond estimate.
- Mr. Souza stated that the process is to get the estimate.
- Mr. Souza stated that we have gone to the DPW in the past and we have had some issues, so we are allowed to by our regulations to get a separate independent engineer.
- Mr. Souza stated that once we get that independent engineer then we can place the bond.
- Ms. Whitten stated to Mr. Souza that we already have the estimate, we were proactive and already reached out to McCarty Engineering to obtain that information since it was under the money threshold and did not have to go out to bid.
- Ms. Whitten stated that we need the motion to collect that escrow for \$3,000 and for Ms. Wood to start the proceedings with McCarty Engineering.
- **Mr. Weizer made the motion to start the process to collect the \$3,000. Mr. Perla seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr.**



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Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.

- **Mr. Weizer made the motion to allow Ms. Wood to start the proceedings with McCarty Engineering. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

6.3 Modification for Site Plan for 135 Commercial Road, Map 570, Parcel 1, Home Depot: Temporary/Seasonal Storage. *Planning Board to make determination as to whether this is a Minor or Major modification and vote accordingly.*

- At 6:33 p.m. Ms. Vittorioso asked if there was a representative for this modification application.
- Maureen Tarr, the Store Manager of the Home Depot in Leominster, MA, is the representative for this request for a temporary Modification of Site Plan.
- Ms. Tarr stated that they were before the Planning Board for a Minor Modification of Site Plan Approval for parking last year, in 2021, and now they are here for a seasonal modification request.
- Ms. Tarr stated that they provided a plan for the Board to review, the highlighted yellow spaces are the ones that would be needed.
- Ms. Tarr stated that they will try to use less than that, but that is the most they will need from March 15th to August 1st.
- Ms. Tarr stated that the whole thing will not be used that whole time because obviously the flowers will not come in until much later, but the mulch will start coming in.
- The Board reviewed the plan presented.
- Mr. Ciccone asked if this keeps the fire lane in compliance.
- Ms. Tarr stated yes, for every 50 feet we have to have 4 feet.
- Ms. Vittorioso read the below letter into the record from the Development Manager, Alejandro E. Baco, on 2/22/22 as follows:

Please accept this email as a formal parking waiver request for the Home Depot store located at 135 Commercial Road, Leominster, MA. Per Section 22-46 of the Zoning Ordinance, we are proposing to reduce the number of parking spaces on a temporary basis during the annual Home Depot Spring Selling Season (starting March 15th to August 1st).

Per the 2021 Minor Modification to Site Plan Approval, the total parking provided year-round was approved at 418 spaces, and 406 spaces during the temporary period. Our request is for an additional forty-two (42) spaces during the temporary period; for a total of 364 spaces provided. Please review and advise if our request is acceptable.



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- Mr. Weizer asked Ms. Tarr how seasonal this request is, as you are asking for six months and then mentioned what about then needing space for rock salt.
- Ms. Tarr stated we already have space for that, we use our garden area for that.
- Ms. Tarr stated this will be the only request and it goes from March 15th to August 1st.
- Mr. Weizer stated that it is about five months and that is not really a seasonal use when it is almost half of the year.
- Mr. Weizer stated that he does not think that is a minor.
- Ms. Vittorioso stated that she was thinking that the only reason it was minor was because it was temporary.
- Ms. Whitten noted to the Board Ms. Wood's following comments in her Director's report as follows:
 - *374 parking spaces are being proposed where 454 are required, thus being 80 spaces short of the parking requirement. In order to move forward with the proposal, a waiver is required from Section 22-46, detailing the required number of parking spaces.*
- Ms. Tarr stated that they requested the waiver.
- Ms. Vittorioso stated that the waiver originally was for 12 spaces.
- Ms. Vittorioso asked Ms. Tarr what the reason for the additional spots this year is.
- Ms. Tarr stated when she talked to Ms. Wood, we did not originally request the whole amount because we do not need it for the whole year.
- Ms. Tarr noted that it is not going to be used for the entire time frame.
- Mr. Ciccone asked Ms. Tarr if she could gradually retract those yellow spaces as spaces become available and not wait until August 15th.
- Ms. Tarr stated that she went with as many spaces as she thought we be the high point of the season otherwise she would have to keep coming back to the Board.
- Mr. Ciccone stated to Ms. Tarr to manage it so that it pushes back in.
- Ms. Tarr stated she would do that and stated she does not mind even if the Board comes and walks the property with her so they can stay in compliance.
- Mr. Perla asked if this was going to be a recurring seasonal approval.
- Ms. Tarr stated that she would have to apply every year.
- Mr. Weizer asked Ms. Vittorioso is they did this as a major modification would they need to come back every year.
- Ms. Vittorioso stated she still thinks they would because it is temporary.
- Ms. Vittorioso stated that is why she thinks this is a minor modification and stated to the Board we can further discuss the timeframe requested by Ms. Tarr.



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- Mr. Ciccone stated he would request that they just consolidate as the season progresses.
- Ms. Tarr noted that they have kept everything up to Fire code and has been working with Johnathan Campagna.
- Ms. Vittorioso noted that Fire approved this modification, contingent upon that the modified plans will remain compliant with the CMR checklist.
- Ms. Whitten noted that we received Mr. Campagna's approval of the checklist.
- **Mr. Ciccone made a motion that this application is a Minor Modification. Mr. Carignan seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**
- **Mr. Ciccone made a motion to approve this Minor Modification for Site Plan for 135 Commercial Road, Map 570, Parcel 1, Home Depot: Temporary/Seasonal Storage with the condition that the product will be managed so that as it consolidates, and it gets moved closer into the mainstream of the building. Also, Mr. Ciccone stated that it is conditional upon any Department Head comments. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

* *Ms. Vittorioso moved back to the 6:40 Public Hearing.

6.4 City Council Petition 24-22: Performance Guarantees for Site Plans. *Planning Board to schedule Public Hearing.*

- **Mr. Weizer made the motion to schedule this Public Hearing for 3/7/22 @ 7:10 p.m. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**

6.5 40 B Application for Marcello Avenue with ZBA. *Planning Board to provide recommendation to ZBA.*

- Ms. Whitten stated that the applicant provided a list of revised waivers.
- Mr. Souza stated that they basically copied our subdivision regulations and asked for a waiver on everything.
- Mr. Souza stated that we wrote up a letter to the ZBA and thinks we need to work better with the ZBA.
- Mr. Ciccone asked why they do not hear any of our concerns.



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Chairperson

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Vice Chairperson

- Mr. Ciccone stated that under 40B don't we have any rights as a community to guide or govern any of this.
- Mr. Souza stated no.
- Mr. Ciccone stated that he does not know how come we can not regulate something like this and he further stated that it does not make sense.
- Mr. Souza stated that he had Ms. Wood reach out to the City Councilor for that area to elevate our concerns.
- Mr. Souza stated that the ZBA could grant all of the waivers they are asking for.
- Mr. Ciccone asked if they have done that yet.
- Mr. Souza stated no we are trying to be proactive.
- Mr. Souza stated that they are not against the project, but they are against all the waivers that are being requested.
- Ms. Vittorioso stated that Ms. Wood's memo shows that she has concerns with 20 waivers that they are requesting.
- Ms. Vittorioso stated that these issues are valid.
- Mr. Weizer stated that we have already sent this stuff over to ZBA and it obviously did not have an impact.
- Mr. Weizer stated that we can send it again and emphasize our position and that is all we can do.
- The Board asked for Ms. Wood to send her concerns again on the waivers to the ZBA.

7.0 DIRECTOR'S REPORT

7.1 Planning & Development Directors Report for February 7, 2022

7.1.1 The Meadowlands at Willard Street Subdivision: Bond estimate request - *update*

- Ms. Whitten stated that the applicant came in to request a performance bond, but they did not complete Phase I of the development.
- Ms. Whitten stated that Ms. Wood wrote them a letter detailing everything they need to complete first, and then they will have to come back before the Board when they have completed those items.

7.1.2 Zoning Books: Contract with MRPC to complete update to digital version of Zoning Ordinance - *update*

- Ms. Whitten stated that the contract for the amendments just was signed.
- Ms. Whitten stated that we have four or five amendments ready to be added and Ms. Wood will now be sending those over to MRPC.



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

- Ms. Whitten stated that we are still researching this item, and that MRPC has some training meetings on this topic coming up that Ms. Wood will be attending.
- Ms. Whitten stated that we believe this process starts with the City Council.
- Ms. Whitten stated that once we have more information, we will put this back on the agenda.
- Mr. Souza stated that the City Council must recommend that first.

7.1.4 Annual Ethics Requirements: Mr. Souza, Mr. Perla, and Mr. Carignan need to submit Ethics Certificate. All Board members to submit signed Conflict of Interest Law Document.

- Ms. Whitten asked everyone to sign their Ethics sheets that she has provided to them tonight.

8.0 EXECUTIVE SESSION

8.1 None

9.0 ADJOURN

9.1 The next meeting is currently scheduled for March 7, 2022, at 6:30 PM, at City Hall in the T.A. Conference Room/2nd Floor. Deadline for Application Submittal for this meeting is February 28, 2022 @ noon.

- **Mr. Ciccone made a motion to adjourn at 7:38 p.m. Mr. Pare seconded. Mr. Souza stated yes. Ms. Vittorioso stated yes. Mr. Ciccone stated yes. Mr. Perla stated yes. Mr. Carignan stated yes. Mr. Weizer stated yes. Mr. Pare stated yes. Mr. Valliere stated yes. Motion carried. Vote 8-0.**