

UNITE LEOMINSTER  
LEOMINSTER INVESTIGATION

# The 28 Minutes That Rewrote the Rules for 130 Acres

*A state grant funded a road that the old zoning rules would not have permitted to serve an all-residential development.*

*The Planning Board Chair had not been formally confirmed for continued service since 2011.*

*A \$1,000 campaign contribution from the affected developer sat in a sworn public filing.*

*The restoration vote may have been defeated under a threshold state law does not authorize.*

*The documents raise questions the City has not answered.*

BY LEOMINSTER RESIDENTS • THE LEOMINSTER RECORD

**AUTHOR'S NOTE** This investigation is based on the signed January 13, 2025 City Council minutes; the official December 8, 2025 City Council transcript; OCPF filing CPF ID 16449, certified under penalty of perjury; an independent stormwater engineering report entered into the public record; the November 3, 2025 Planning Board meeting recording (YouTube auto-transcript; documents Petition 9-26 on the agenda, extended Board deliberation, and a three-to-three tiebreaker on a development impact statement procedural matter at timestamp 3:43:26 — eight minutes prior to introduction of Petition 9-26); November 17, 2025 Planning Board meeting recording (YouTube auto-transcript; documents Rowlands's on-record confirmation of cap removal as the developer's specific request with buildout math of approximately 1,677 units, eight-year zoning freeze mechanism under Massachusetts Subdivision Control Law, and Planning Board approval of both preliminary subdivision plans with Chair Souza confirmed present); and the February 2026 City Council meeting transcript. It does not allege criminal wrongdoing or legal violation by any named individual. Where the record does not confirm a fact with certainty, this report says so explicitly. Documented outreach to all named officials is required before formal publication. The official written minutes of the November 3, 2025 Planning Board meeting must be obtained to confirm the vote breakdown on Petition 9-26.

## LEOMINSTER, Mass. —

In January 2025, the Leominster City Council voted to change the zoning rules for 130 acres of undeveloped land along Orchard Hill Park. The vote took 28 minutes. No resident stood up to support it. The Planning Director Elizabeth Wood could not say, when asked, how many housing units the new rules would allow.

What the Council did not discuss that night — and what has not been widely reported since — is that the amendments did something more consequential than raise the density limit. They eliminated the rule that had capped residential development at one-third of the total district land. That cap, combined with the new density, is the change that matters. Without it, the theoretical maximum buildout on the district's approximately 77 net developable acres (of approximately 87 gross acres total, with roughly 10 acres assigned to open space, roads, and wetland areas) rises from roughly 485 units under the original zoning to approximately 1,677 units under the new rules. The density increase was the change everyone debated. The cap removal is the change that could more than triple what gets built.

Compounding that finding: a \$2.09 million MassWorks Grant — state taxpayer money — had already funded an industrial road now serving the largest of the two subdivision plans on file with the City. Under the mixed-use zoning in place when that grant was awarded, all-residential development on the 55 acres the road serves

would have exceeded the residential limit for the entire district. The cap removal is what made that development legally viable as proposed.

The public record surrounding the vote raises additional questions. The Planning Board Chair who recommended the amendments unanimously had not been formally reviewed for continued service by any elected body since approximately 2011 — a fact the City’s hired attorney later described as a legal gray area. A sworn campaign-finance filing shows that the development’s principal contributed \$1,000 to a Councilor who voted for the amendments; that contribution was not disclosed in either the January 2025 vote or the December 2025 restoration proceeding. And the family relationship between that Councilor and the Planning Board Chair — their children are married — was not placed on the public record of either proceeding until February 2026.

This report presents what the public record establishes. It alleges no crime and draws no legal conclusions.

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## WHAT THE COUNCIL CHANGED IN 28 MINUTES

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For more than a decade, the MU-2 Mixed-Use District operated on a two-tier system designed to balance development with public accountability. Developers could build by right at up to 12.45 units per acre — no hearing required. Those who wanted to build at higher densities, up to 17.42 units per acre, had to obtain a special permit from the Planning Board, which meant a public hearing, a formal record, and a legal obligation to address neighbors’ concerns about traffic, stormwater, and neighborhood impact.

The January 13, 2025 vote eliminated that framework in three distinct ways, each significant on its own. Together, they represent the most consequential change to the district since its creation.

First, the 8-to-1 vote removed the special-permit requirement entirely and raised the by-right density to 21.78 units per acre. Setbacks from neighboring property lines fell from 100 feet to 15 feet. The 50-foot landscaped buffer between new development and adjacent neighborhoods disappeared. There was no longer a formal mechanism requiring a developer to answer publicly for the density, the runoff, or the traffic a large project would bring.

Second, and more significantly, the amendments eliminated the rule capping residential development at one-third of the total district land. The MU-2 district encompasses approximately 130 acres, of which 87 raw acres slated and roughly 77 net acres remain developable after accounting for wetlands, green space, and subdivision roads. Under the original cap, no more than approximately 39 of those raw land acres could be used for residential development — regardless of density. The remaining two-thirds had to remain available for the commercial and industrial uses the Mixed-Use designation was designed to protect. That cap is gone. Every net developable acre may now be developed as residential.

Third, the amendments eliminated a sequencing requirement that had served as the district’s practical guarantee of genuine mixed use: a rule that non-residential development had to be at least 60 percent complete before any residential construction could begin. That requirement ensured the commercial and industrial character of the district was established before housing was layered on top of it. Without it, residential development can proceed first, last, or exclusively — effectively converting a Mixed-Use district into a residential one while the designation remains on paper.

The practical consequence of the cap removal is not theoretical. One of the two preliminary subdivision plans on file with the City — the Orchard Hill Park Extension — covers approximately 55 acres and is positioned to develop that land as wholly residential. The road serving that subdivision was built with a \$2.09 million MassWorks Grant — state taxpayer money appropriated for industrial public infrastructure. Under the original one-third cap, all-residential development on those 55 acres alone would have exceeded the residential limit for the entire 130-acre district. The removal of the cap is what makes the proposed development legally viable. Residents who ask what their \$2.09 million in state grant money paid for now have an answer: a road that, under the zoning in effect when the grant was awarded, would have served a mixed-use development, and that now serves as the spine of what the subdivision plans contemplate as a wholly residential one.

Councilor Robert Tocci asked the obvious question on the night of the vote: how many units would these changes actually permit? The official minutes recorded Planning Director Elizabeth Wood’s answer:

*“Director Wood said “I cannot say.”*  
 — Planning Director Elizabeth Wood — Official City Council Minutes, January 13, 2025

The lone NO vote came from Councilor Susan Chalifoux-Zephir, who pressed why the special-permit path had to go. The minutes recorded Planning Director Wood’s response: eliminating it was “just another barrier for the developer.”

The special-permit process did not prevent development. By-right construction at 12.45 units per acre remained available without a hearing. What the special permit provided was accountability for development at elevated density — a formal requirement that a developer justify, on the record, what a more intensive project would cost the surrounding neighborhood. That requirement was described, in the official minutes of the Leominster City Council, as a barrier to be removed.

City officials have said the changes were intended to ease housing production in a growing region. No such explanation appears in the minutes of that night.

**WHAT CHANGED IN MU-2 — THE COMPLETE PICTURE**

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**Before January 13, 2025:** By-right density: 12.45 units per acre • Special permit required for higher density (up to 17.42 units per acre) • 100-ft setbacks • 50-ft landscaped buffer • Residential development capped at one-third of total district land • Non-residential uses required to be 60% complete before any residential construction could begin

**After January 13, 2025:** By-right density: 21.78 units per acre • Special-permit path eliminated • Setbacks reduced to 15 ft • Buffer eliminated • One-third residential cap eliminated • 60% non-residential sequencing requirement eliminated

**The buildout math:** ~77 net developable acres at 21.78 units per acre = ~1,677 units. Under the original one-third cap (~39 acres maximum residential) at old density = ~485 units. The cap removal, not the density increase, is the larger multiplier.

**The MassWorks Grant:** \$2.09 million in state taxpayer funds built the Orchard Hill Park Extension road serving ~55 acres. Under the old one-third cap, all-residential development on those 55 acres alone would have exceeded the residential limit for the entire district. The cap removal made it legally viable.

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**THE LANGUAGE THAT REACHED THE FLOOR**

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David Rowlands served as Legal Affairs Chair of the Leominster City Council and led the committee that reviewed the City’s zoning overhaul — the process, completed around 2013, that produced the MU-2 district. The Mayor hired

a consultant firm to rewrite the zoning code; Rowlands's committee then reviewed those changes and shaped what became law. He knows where the MU-2 language came from because he helped write it.

On December 8, 2025, Rowlands testified before the full City Council. His account of how the 2025 amendments came to be was grounded not in recollection but in documents: the Housing Committee minutes and records from the August 2024 process that preceded the vote. Based on that documentary record, Rowlands testified that the amendment language began as a written document submitted by a private developer to the Housing Committee, and that it was subsequently transferred onto Montachusett Regional Planning Commission letterhead — with the developer's name removed and the substance left unchanged.

No City official disputed the account on the record. The Housing Committee minutes Rowlands cited are public documents. His words, entered into the December 8, 2025 City Council transcript without rebuttal:

*“The developer’s wish list got transposed onto Mr. Boyle’s letterhead from the MRPC and the developer’s name is no longer associated with the changes.”*

— David Rowlands, former Legal Affairs Chair — December 8, 2025 City Council transcript (unrebutted on the record, grounded in Housing Committee documents)

Rowlands was not offering an impression or a grievance. He was reporting what the Housing Committee's own records showed. A developer's written proposal reached the City Council floor bearing a Regional Planning Commission's name. The Council voted on it without knowing — or without the record reflecting — its origins. The City has not challenged the contents of those Housing Committee records.

The December 8, 2025 City Council testimony was not the only public proceeding in which Rowlands placed these findings on the record. At the November 17, 2025 Planning Board meeting — convened to hear the developer's preliminary subdivision applications for the Orchard Hill Park Extension and Pioneer Drive — Rowlands again addressed the Board directly, with the developer's attorney present in the room. His statement was not rebutted. He confirmed that the one-third residential cap removal had been the developer's specific request, traced it to the Housing Committee records from August 2024, and then calculated the buildout consequence on the record: “This Board recommended unanimously to change the zoning. What did that zoning change? Limited to one-third residential — that was what was originally on there. That was removed. That opens up another 42 acres of residential. 82 acres now can be built residential. Who asked for that? We already know from the Housing Committee the 29th of August that the developer asked for those changes. If you do the math — 21 times 8 comes out to be like 1,700 units.” The developer's attorney did not dispute the characterization on the record.

At that same November 17 meeting, Rowlands disclosed a legal consequence of the subdivision filings that the public record had not previously surfaced. After the restoration petition — Petition 9-26 — was submitted, the developer filed preliminary subdivision plans for the Orchard Hill Park Extension and Pioneer Drive. Under Massachusetts Subdivision Control Law (M.G.L. c. 41, §81W), a plan filed in conformance with the zoning in effect at the time of filing is protected from the effect of subsequent zoning changes for up to eight years from the date of endorsement. Rowlands stated the implication plainly on the record, with the developer's attorney present: “They probably would have never filed this thing if somebody — the petitioners in this neighborhood — didn't put the petition in to change the zoning. They wouldn't even have filed it. The only reason for doing it — because it freezes zoning for eight years and they're trying — after the petition was put in to reset the zoning back — then the subdivision plan went through. That's just a protection mechanism because they protect the zoning for eight years so it can't be touched.”

The significance of that sequence is direct: even if the restoration petition had passed at the December 8, 2025 City Council meeting — under either the six-vote or seven-vote threshold — the lots covered by the preliminary subdivision filing may have retained the protection of the amended MU-2 zoning for up to eight years regardless of the petition's outcome. The subdivision filing, timed after the restoration petition was submitted, was a legal

mechanism that could render the zoning restoration moot as to the largest portion of the site. That fact was stated on the public record in November 2025. It has not been publicly addressed by any City official.

The same November 17 meeting produced a third documented finding. At the conclusion of both subdivision hearings, the Planning Board voted to approve both preliminary subdivision plans — the Orchard Hill Park Extension and the Pioneer Drive subdivision. The roll call recorded at the November 17 meeting confirms Chair John Souza was present. The Board’s approvals were conditioned on a development impact statement at the definitive plan stage and a neighborhood consultation requirement already contained in the subdivision regulations. The Board advanced both of the developer’s subdivision applications at a meeting held two weeks before the City Council voted on the restoration petition those subdivisions were designed to outlast.

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### THE CHAIR WITHOUT A CONFIRMED TERM

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The Planning Board that recommended the MU-2 amendments unanimously — seven to zero — was chaired by John Souza. That recommendation gave the City Council institutional justification for its 8-to-1 vote: the planning experts endorsed it, every one of them.

What no one said during the January 13, 2025 proceeding — and what the public record has since established — is that Souza had been serving for approximately fifteen years past the expiration of his last formally confirmed term. His five-year appointment expired in approximately 2011. From that point forward, the City Council was never asked to formally confirm, review, or reject his continued service. He chaired the Board that recommended the zoning changes in a capacity the City’s hired solicitor would later describe as a legal gray area.

The February 2026 City Council meeting, convened to vote on Souza’s formal reappointment, established this on the record through testimony from Attorney Brian Riley, the City’s hired legal counsel. Under the Leominster Home Rule Charter, Planning Board members are appointed by the Mayor and confirmed by the City Council for five-year terms. When a Councilor asked directly when Souza’s appointment had last been confirmed, the answer given on the record was unambiguous: his term had expired in 2011.

*“I think a 15-year holdover is abuse. It’s abuse.”*

— City Councilor David Cormier — February 2026 City Council transcript

That statement was made by Councilor David Cormier on the public record and was not contested. City Councilor David Cormier also said: “It hasn’t been down here for 15 years. I can say this.” The Leominster Home Rule Charter has a mechanism for exactly this situation. Under Charter Section 2.5, once a term expires without formal reappointment, the Mayor is required to file successive 60-day temporary appointments with the City Clerk — each of which the City Council may reject by a two-thirds vote. Councilor at-Large Susan Chalifoux-Zephir stated the requirement plainly:

*“Mr. Souza should have had numerous 60-day temporary appointments after his term expired. And we, the City Council, with a two-thirds vote, could have rejected any one of those temporary 60-day appointments.”*

— Councilor-at-Large Susan Chalifoux-Zephir — February 2026 City Council transcript

That process never happened. The transcript records the conclusion without ambiguity: “He’s never been temporarily appointed.” The oversight mechanism the charter provides existed on paper for fifteen years. It was never used.

Attorney Brian Riley, the City’s hired counsel, acknowledged the problem on the record. He stated he had learned of the expiration “a few months back” — meaning sometime in late 2025, as the MU-2 controversy was cresting — and had recommended to the Mayor’s office that the situation be rectified. He confirmed that, as a holdover, Souza was still legally serving, but noted that holdovers are “supposed to solve a problem on a short-term basis” and are “not supposed to carry on indefinitely.”

The Mayor sent Souza’s name to the Council for formal reappointment in January 2026 — weeks after the December 8, 2025 restoration vote had failed and after the Planning Board had completed its handling of the restoration petition. At the February 2026 meeting, a Councilor addressed the Mayor’s timing directly on the public record:

*“The Mayor sent — everybody knows why the Mayor sent us down here. We all know because he wanted him to step down as Chair and the planning board fought to do otherwise. That’s why the appointment came down. The Mayor didn’t send the appointment down here to support Mr. Souza.”*  
— City Councilor Mark Bodanza — February 2026 City Council transcript

The Mayor did not respond to that characterization on the record. The sequence speaks for itself: Souza’s term expired in 2011. The charter’s required review process was never followed. The City’s hired attorney flagged the problem in late 2025. The formal reappointment arrived in January 2026, after every consequential MU-2 vote had been cast.

The afternoon of the February 2026 Council meeting, before the vote, Souza emailed the Council President Claire Freda and City Clerk Elizabeth Doiron announcing his resignation effective June 30, 2026. The Mayor attempted to withdraw the reappointment petition. Attorney Brian Riley advised on the record that under Massachusetts law, a written resignation filed with the Clerk is irrevocable — it cannot be taken back. The Council voted regardless. The nomination was denied five to three. Councilor Thomas Ardinger — whose son is married to Souza’s daughter — was among the three who voted to confirm him.

Every decision Souza made as Chair across those fifteen years — including the unanimous recommendation of the MU-2 amendments in January 2025 — was made in a capacity the City’s hired attorney later described as a gray area requiring rectification. The City Council that voted 8-to-1 to adopt the amendments did so in reliance on a unanimous planning recommendation from a Board whose Chair had not been formally confirmed by any governmental body since 2011.

#### SOUZA HOLDOVER — FROM THE FEBRUARY 2026 CITY COUNCIL RECORD

**Term expiration:** Souza’s last confirmed five-year Planning Board term expired in approximately 2011 — roughly fifteen years before the February 2026 reappointment vote. Source: Attorney Brian Riley and multiple Councilors on the record, February 2026 City Council meeting.

**Required process, never followed:** Charter Section 2.5 required the Mayor to file successive 60-day temporary appointments subject to City Council review. Per the February 2026 transcript: “He’s never been temporarily appointed.” The Council was never given the opportunity to approve or reject his continued service.

**City hired attorney’s assessment:** Attorney Brian Riley confirmed Souza was legally serving as a holdover but described the situation as a “gray area” that should be rectified. Holdovers are “not supposed to carry on indefinitely.”

**Reappointment timing:** The Mayor sent Souza’s name to the Council in January 2026 — weeks after the December 8, 2025 Council vote on restoration. A Councilor stated on the record the Mayor’s motivation was to remove Souza as Chair, not to support him.

**Outcome:** Souza resigned in writing the afternoon of the February 2026 meeting (effective June 30, 2026). Resignation irrevocable under state law. Council denied reappointment five to three. Ardinger voted to confirm.

## THE \$1,000 CONTRIBUTION AND AN UNDISCLOSED FAMILY RELATIONSHIP

Among the eight YES votes was Councilor-at-Large Thomas F. Ardinger. The public record reveals two separate relationships between Ardinger and the people whose recommendations he was voting to act upon — neither of which appears on the record of either the January 2025 or December 2025 proceedings.

The first is financial. A sworn filing at the Office of Campaign and Political Finance — CPF ID 16449, 2020 Year-End Report, Page 23, certified under penalty of perjury — shows that Gregg Lisciotti contributed \$1,000 to the Ardinger Committee on July 13, 2020. The filing identifies Lisciotti’s address as 83 Orchard Hill Park Drive and lists him as a self-employed general contractor. The development project most directly affected by and will personally benefit from the MU-2 changes was located at 86 Orchard Hill Park Drive. The \$1,000 contribution was the largest individual donation the committee received during that reporting period.

Council at-Large Ardinger voted YES on the January 2025 amendments and NO on the December 2025 restoration petition. The minutes and transcripts of both proceedings contain no reference to the contribution, no disclosure, and no recusal.

***“A sworn public filing. Two votes on matters directly affecting the donor’s project. No disclosure on the record of either proceeding.”***

— OCPF CPF ID 16449, certified under penalty of perjury — ocpf.us

Massachusetts law (M.G.L. c. 268A, §23) requires disclosure of certain prior financial relationships in matters of direct financial interest. Whether that law required disclosure here — given the four-and-a-half-year gap between the contribution and the votes — is a question only the State Ethics Commission or a court can resolve. The documents establish the contribution, the votes, and the absence of any disclosure.

The second relationship is familial. In February 2026, at the City Council meeting on Souza’s reappointment, Councilor at-Large Ardinger disclosed for the first time — on the public record — that his son is married to Souza’s daughter. His own words:

*“His daughter and my son are married, so we’ve become outlaws — we can’t be in-laws, we’re outlaws.”*

— Councilor at-Large Thomas Ardinger — February 2026 City Council transcript

That disclosure came fourteen months after Councilor at-Large Ardinger voted YES on the MU-2 amendments that Souza’s Board had unanimously recommended, and two months after he voted NO on the restoration petition that Souza’s Board had declined to recommend. In both proceedings, Ardinger voted on the direct product of his son’s father-in-law’s Board without placing their relationship on the record.

When the relationship was raised at the February 2026 meeting, the stated resolution was that a disclosure was already on file with the City Clerk. That document — its date, its scope, and whether it predates the January and December 2025 proceedings — has not been independently verified for this report. It is a public record available under M.G.L. c. 66, §10. Its contents are directly material to the question of what Councilor at-Large Ardinger disclosed and when.

Two undisclosed relationships. Two votes. The same development project. The same Planning Board recommendation at issue in both. The public record does not explain why neither relationship appeared on the record of either proceeding.

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## THE ENGINEERING REPORT THAT SPLIT AN OFFICIAL VOTE

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The concerns residents raised about flooding and stormwater at the December 2025 hearing were not impressions. They were grounded in an independent technical study that residents had commissioned at their own expense because the City had not commissioned one before the vote.

Metro West Engineering produced an independent stormwater analysis of the proposed development. The report, which cost residents approximately \$11,000, found that the project did not comply with applicable stormwater management standards — specifically the groundwater recharge standard set out in the Massachusetts Department of Environmental Protection Stormwater Handbook. The findings were entered into the public record during the December 8, 2025 proceedings.

Bohler Engineering, the developer’s civil engineers, disputed the Metro West findings at the December 9, 2025 Conservation Commission hearing, maintaining that the project met all applicable standards. The City’s own independent peer reviewer — Fuss & O’Neal, engaged through the City’s formal review process — agreed with Bohler. In a written statement read into the public record, Fuss & O’Neal’s reviewer stated that Metro West had “overreached in a number of areas” and that the project met state standards, the Leominster ordinance, and standard engineering practice.

The dispute was not resolved in the residents’ favor. But it left a documented mark on the official record.

The Conservation Commission voted five to one to approve the project. The sole NO vote came from Commission member Stephanie Quinlan, who stated her reason on the record with precision: she voted NO because she did not believe the groundwater recharge standard in the Massachusetts DEP Stormwater Handbook — the same standard Metro West’s report had identified as unmet — had been satisfied. She did not vote on instinct or sympathy. She voted on a technical objection to a specific regulatory standard, stated publicly, in an official proceeding.

An appointed Commission member voting NO and stating a specific technical reason cannot be recharacterized. One of the six officials who reviewed the engineering evidence directly — who heard Bohler’s response, heard the City’s peer reviewer’s defense, and weighed both — concluded that the standard the residents’ \$11,000 report identified had not been met.

That conclusion carries additional weight when read against the January vote. The 50-foot landscaped buffer the amendments eliminated was not merely aesthetic. It was a stormwater management feature — a physical barrier between intensive development and the residential neighborhoods and wetland systems that border the MU-2 district. The 100-foot setback, cut to 15 feet, served a similar function. Councilor Peter Angelini had noted in the January 13 hearing that he had walked the property in October and observed a significant wetland system running along the entire rear boundary of the site.

The Council voted to remove those protections without a worst-case buildout analysis, without a stormwater study, and without knowing how many units the amended zoning would allow. The residents who lived adjacent to the site subsequently paid \$11,000 to conduct the analysis the City had not. When that report reached an official hearing, Commission member Quinlan voted NO because she found its core conclusions convincing.

***“Residents paid \$11,000 for a stormwater study the City never conducted. One of the six officials who reviewed the engineering evidence voted NO because she found it correct.”***

— Commission member Stephanie Quinlan — December 9, 2025 Conservation Commission transcript

#### THE STORMWATER FINDING — WHAT THE RECORD SHOWS

**Commissioned by:** Leominster residents, at their own expense

**Conducted by:** Metro West Engineering (independent)

**Cost:** Approximately \$11,000

**Finding:** Project did not comply with applicable stormwater management standards, specifically the groundwater recharge standard (Standard 3, Massachusetts DEP Stormwater Handbook)

**Developer response:** Bohler Engineering disputed the core findings at the December 9, 2025 Conservation Commission hearing

**City peer reviewer:** Fuss & O’Neal sided with Bohler, stating Metro West had “overreached in a number of areas” and the project met state standards

**Conservation Commission vote:** Five to one to approve. Commission member Stephanie Quinlan cast the sole NO vote, citing the groundwater recharge standard Metro West identified as her specific reason

**City prior analysis:** None. Planning Director Elizabeth Wood confirmed on the record she could not quantify the zoning change’s effect before the vote.

**Available in:** December 9, 2025 Conservation Commission transcript, City Clerk’s office

#### THE PLANNING BOARD, THE RESTORATION PETITION, AND WHAT THE RECORD CONFIRMS

Petition 9-26 was filed by Councilor at-Large Susan Chalifoux-Zephir, Councilor at-Large Brandon L. Robbins and Councilor Robert Tocci and one hundred and ten registered voters. The petition sought to restore some or all of the MU-2 zoning protections eliminated by the January 2025 amendments. Under the Leominster zoning ordinance, a favorable Planning Board recommendation carries legal significance: it can lift the two-year bar on reconsidering substantially similar petitions. Without one, the bar remains in effect.

Petition 9-26 went to the City Council without a favorable Planning Board recommendation. That fact is established by the December 8, 2025 City Council proceedings, which reflect the petition’s status when it arrived before the full Council.

The Planning Board meeting at which Petition 9-26 was considered was held on November 3, 2025 and continued to November 17, 2025. The Board’s Chair was John Souza — the same Chair who had presided over the 7-to-0 recommendation of the original amendments and who, as the public record later established, had been serving for approximately fifteen years past the expiration of his confirmed term. According to testimony entered into the December 8, 2025 City Council record without rebuttal, Souza had also been an active participant in the Housing Committee process that developed the amendment language — the same process David Rowlands testified had incorporated a private developer’s written proposal under a Regional Planning Commission’s letterhead.

A YouTube auto-transcript of the November 3, 2025 Planning Board meeting recording documents the proceedings. Petition 9-26 is introduced into the record at approximately 3:56 in the recording. What follows, in the transcript, is extended deliberation. A Planning Board member raised a question whether Councilor at-Large Chalifoux-Zephir, Councilor at-Large Robbins and Councilor Tocci would have voted differently on the original amendments had they known what would follow. Councilor Tocci asks directly: “Do you think we would have voted for this if we knew this was going to happen?” Councilor at-Large Robbins then added, “we were rushed and pressured to vote on it. Councilor Chalifoux- Zephir asked for more time to study it and we were told that wasn’t an option.” Discussion of whether to recommend approval continues through approximately 4:02 in the recording.

The transcript also captures, at approximately 3:43 — eight minutes before Petition 9-26 was introduced — a moment in which the Board reached a three-to-three tie on a separate procedural matter. The subject at that point in the meeting was a development impact statement question related to a subdivision plan. A Planning Board member called on Chair Souza to break the tie:

*“We have 3-3. John, you’re the Chair. You have to make the swing vote.”*

— Planning Director Elizabeth Wood — November 3, 2025 Planning Board meeting transcript (timestamp 3:43:26)

The surrounding context — discussion of a development impact statement, a preliminary subdivision plan, and a waiver request — establishes that this tiebreaker was on that procedural matter, not on Petition 9-26, which had not yet been introduced. A speaker at 3:50 references “four people here that voted YES,” indicating a four-to-three outcome on the development impact statement question.

What the transcript does not establish is the specific vote breakdown on Petition 9-26 itself, or how any individual Board member voted on the restoration recommendation. The official written minutes of the November 3, 2025 Planning Board meeting — which record each vote by agenda item and each member’s vote by name — are required to confirm those specifics. Those minutes are a public record available under M.G.L. c. 66, §10. They have not been obtained for this report and must be reviewed before any specific vote breakdown is published as established fact.

What the record does establish is this: Chair Souza presided over a Board that recommended the MU-2 amendments unanimously and subsequently declined to recommend their restoration. He chaired those proceedings having served fifteen years past his confirmed term, having participated in developing the amendments under review, and having a family relationship with the Councilor who voted against restoration at both levels of government — a relationship not disclosed in either proceeding. Whether any combination of those facts required recusal or disclosure is a question the record does not answer, because it was never raised.

### THE PLANNING BOARD RECORD — CONFIRMED FACTS AND WHAT REQUIRES VERIFICATION

**January 13, 2025 — Petition 15-25:** Planning Board recommendation: seven to zero in favor. Chair Souza participated in the Housing Committee process that developed the amendment language. Source: David Rowlands testimony, December 8, 2025 City Council transcript (unrebutted on the record).

**November 3, 2025 — Petition 9-26:** Petition 9-26 was on the agenda. The transcript documents extended deliberation and a divided Board. The Board did not produce a favorable recommendation. The specific vote breakdown and individual member votes require confirmation from the official written minutes of that meeting.

**Timestamp 3:43:26 tiebreaker:** A three-to-three tie and Chair Souza tiebreaker are captured on the recording. The surrounding context identifies the subject as a development impact statement procedural matter. Petition 9-26 was introduced eight minutes later, at approximately 3:51.

**Legal effect (confirmed):** Petition 9-26 went to the City Council without a favorable Planning Board recommendation. Source: December 8, 2025 City Council proceedings.

**Undisclosed relationship:** Souza's daughter is married to Councilor at-Large Ardinger's son (first disclosed publicly by Ardinger at the February 2026 City Council meeting). Neither Souza nor Ardinger disclosed this relationship at the January 2025 or December 2025 proceedings.

**Document required before publication:** Official written minutes of the November 3, 2025 Planning Board meeting — available from the City Clerk's office under M.G.L. c. 66, §10.

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## THE DECEMBER VOTE AND THE THRESHOLD THAT MAY HAVE BEEN WRONG

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Eleven months after the January vote — with an independent engineering report in hand, a technical stormwater dispute on the record, and a Planning Board that had not recommended restoration — residents returned to the City Council chamber to support Petition 9-26.

They came with the Metro West Engineering report documenting stormwater non-compliance. They came with the knowledge that Commission member Stephanie Quinlan had voted NO at the Conservation Commission hearing because she found it correct. They came knowing the Planning Board had not issued a favorable recommendation on their petition. After hours of public testimony on flooding, traffic, and a process residents said had excluded them entirely, the Council was told that a formal protest filed by the developer had raised the threshold to seven votes. The petition received five YES votes and failed. Councilor at-Large Ardinger voted NO.

Rowlands subsequently reviewed the applicable statutes and identified a potential conflict between the City's local ordinance and state law. M.G.L. c. 40A, §5 requires only a two-thirds vote when a protest is filed — six votes on a nine-member Council. The City's local ordinance imposed a three-quarters threshold, or seven votes. Where state law and local ordinance conflict, state law governs.

If the state standard applied, the political arithmetic of December 8 looks different. Ardinger had said on the record, during the same meeting, that a corrected petition would earn his support:

*"If someone were to come back with a petition in January with the changes that we've talked about tonight, I would certainly support that petition ... but as it stands tonight, I will vote against it."*

— Councilor at-Large Thomas Ardinger — December 8, 2025 City Council transcript

Under a seven-vote threshold, Councilor at-Large Ardinger's stated commitment would have represented the sixth of seven needed — still one short. Under the six-vote state standard, that same commitment would have been the sixth of six. The Councilor whose \$1,000 contribution from the affected developer sits in a sworn public filing was, depending on which legal standard applied, either one vote short of passing the restoration effort or the vote that could have decided it. The City has not publicly clarified which threshold was legally required.

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## FULL TIMELINE — KEY DATES IN THE PUBLIC RECORD

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**c. 2011:** Planning Board Chair John Souza's last confirmed five-year term expires. The City Charter's required 60-day temporary appointment process — subject to City Council review — is never initiated. Souza continues as an unreviewed holdover.

**July 13, 2020:** \$1,000 contribution from Gregg Lisciotti recorded in Councilor at-Large Ardinger Committee's sworn OCPF filing (CPF ID 16449, Page 23) — the largest individual donation that reporting period.

**January 13, 2025:** Planning Board votes seven to zero to recommend MU-2 amendments. City Council votes eight to one to adopt. No public supporter present. Planning Director cannot state maximum unit count. Developer's wish list language, per un rebutted testimony, transferred to MRPC letterhead. One-third residential cap, 60% non-residential sequencing requirement, setbacks, and buffer all eliminated.

**2025 (post-vote):** Residents commission Metro West Engineering stormwater report (~\$11,000). Report finds non-compliance with the groundwater recharge standard. Developer and City peer reviewer dispute findings. Conservation Commission votes five to one to approve the project; Commission member Stephanie Quinlan votes NO, citing the groundwater recharge standard by name.

**November 3, 2025:** Petition 9-26 is on the Planning Board agenda. The Board does not produce a favorable recommendation. The transcript documents a divided Board and members questioning their prior vote. The specific vote breakdown on Petition 9-26 requires confirmation from the official written minutes of that meeting.

**December 8, 2025:** Restoration petition receives five YES votes; fails under the announced seven-vote threshold. Ardinger — whose son is married to Souza's daughter — votes NO. Neither Ardinger nor Souza disclosed their family relationship at this or any prior proceeding.

**Late 2025:** City hired attorney flags Souza's holdover status as a legal gray area and recommends the Mayor rectify the situation.

**January 2026:** Mayor sends Souza's name to the Council for formal reappointment — after all MU-2 votes have been cast. Rowlands identifies a potential conflict between City Ordinance §14.14 and M.G.L. c. 40A, §5 on the applicable protest vote threshold.

**February 2026:** Souza emails irrevocable resignation effective June 30, 2026. Mayor attempts to withdraw reappointment petition. Council votes regardless — denies appointment five to three. Ardinger votes to confirm. Ardinger discloses on the record that his son is married to Souza's daughter. Conflict of interest question raised; resolved by reference to a disclosure reportedly on file with the Clerk.

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## WHAT THE DOCUMENTS ESTABLISH — AND WHAT THEY DO NOT

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Every confirmed fact in this report is drawn from verified public sources: the January 13, 2025 City Council minutes signed by City Clerk Elizabeth Doiron; the official December 8, 2025 City Council transcript; OCPF filing CPF ID \*16449, Page 23, certified under penalty of perjury; the Metro West Engineering stormwater report entered into the public record; the November 3, 2025 Planning Board meeting recording (YouTube auto-transcript; documents Petition 9-26 on the agenda, extended Board deliberation, and a three-to-three tiebreaker on a development impact statement procedural matter at timestamp 3:43:26 — eight minutes prior to introduction of Petition 9-26); November 17, 2025 Planning Board meeting recording (YouTube auto-transcript; documents Rowlands's on-record confirmation of cap removal as the developer's specific request with buildout math of approximately 1,677 units, eight-year zoning freeze mechanism under Massachusetts Subdivision Control Law, and Planning Board approval of both preliminary subdivision plans with Chair Souza confirmed present); and the February 2026 City Council meeting transcript. Where those sources do not establish a fact with certainty, this report says so.

Together, the confirmed record shows: a developer's language reaching the City Council floor under a Regional Planning Commission's letterhead — confirmed un rebutted at two separate public proceedings; preliminary subdivision plans filed after the restoration petition was submitted, designed under Massachusetts Subdivision Control Law to protect the amended zoning for up to eight years regardless of the petition's outcome; a vote eliminating not only the special-permit accountability mechanism but also the one-third residential cap and the 60-percent non-residential sequencing requirement — more than tripling the potential residential buildout from approximately 485 units to approximately 1,677 — while a \$2.09 million MassWorks state grant had already funded the road serving the largest subdivision under rules that would not have permitted all-residential development there; all of it adopted without a buildout analysis and without a stormwater study; an independent engineering report commissioned by residents finding non-compliance with the groundwater recharge standard — disputed by the developer and City peer reviewer, but cited by name as the basis for Commission member Stephanie Quinlan's sole NO vote; a documented \$1,000 contribution from the affected developer to a Councilor who voted twice on the matter with no disclosure; a Planning Board Chair who participated in developing the original amendments, served

fifteen years past his confirmed term without a single Council review, and chaired the Board's handling of the restoration petition without disclosing his family relationship with that same Councilor; and a restoration vote defeated under a threshold that state law may not have authorized.

What remains unconfirmed, and is specifically flagged: the specific vote breakdown on Petition 9-26 at the November 3, 2025 Planning Board meeting, and how individual Board members voted. The official written minutes of that meeting are required before any specific tally is published as established fact.

None of the confirmed facts listed above have been publicly disputed.

#### FOUR QUESTIONS THE PUBLIC RECORD LEAVES OPEN

- The January 2025 amendments eliminated the one-third residential cap, more than tripling the potential buildout from approximately 485 to approximately 1,677 units. A \$2.09 million MassWorks state grant funded the road serving the largest subdivision — a road that, under the zoning in place when the grant was awarded, could not have served an all-residential development. Was the grant awarded with knowledge that the cap was likely to be removed? Was any analysis of the cap's removal conducted before the vote?
- Chair Souza's confirmed Planning Board term expired in approximately 2011. The City Charter required the Mayor to file successive 60-day temporary appointments subject to Council review — a process the February 2026 transcript confirms was never followed. Why did the Mayor allow Souza to serve for fifteen years without the oversight the charter requires, and why did the formal reappointment arrive only after the MU-2 restoration petition had already failed?
- Councilor Ardinger's son is married to Planning Board Chair Souza's daughter — a family relationship Ardinger disclosed publicly only in February 2026. A disclosure is reportedly on file with the City Clerk. When was that disclosure filed, and does it cover the January 2025 and December 2025 proceedings? Did Ardinger also consider whether the documented 2020 contribution from Gregg Lisciotti required disclosure under state ethics law before casting either of his votes on MU-2 matters?
- Has the City reviewed whether City Ordinance §14.14's three-quarters protest vote threshold conflicts with the two-thirds standard in M.G.L. c. 40A, §5 — and if so, what was the conclusion? If the state standard applied, the December 8, 2025 restoration petition received the votes needed to pass under state law. The City has not publicly addressed that question.

In 28 minutes, the Leominster City Council rewrote the zoning rules for 130 acres without a buildout study, without a stormwater analysis, and without a single resident standing to support the changes. The Planning Board Chair who recommended those changes unanimously had not been formally reviewed for continued service since 2011. The Councilor who voted for them, and against their restoration, had an undisclosed financial connection to the developer and an undisclosed family relationship with the Chair of the Board whose recommendation he was acting upon. Residents paid \$11,000 to conduct the study the City never did. The restoration vote may have been defeated under a threshold state law does not require.

Each of those facts is drawn from the public record. Each sits in documents available from the City Clerk's office or at [ocpf.us](http://ocpf.us). The officials who can explain them were elected or appointed to serve the public, and the public is entitled to those explanations.

***The explanations now belong to the City.***



**SOURCES** *City Council Minutes, January 13, 2025 (signed by Clerk Elizabeth Doiron) • Official City Council Transcript, December 8, 2025 • Thomas F. Ardinger Campaign Finance Report, Form CPF M 102 / CPF D102, CPF ID 16449, 2020 Year-End Report, Page 23, filed January 19, 2021, certified under penalty of perjury (ocpf.us) • Metro West Engineering independent stormwater analysis, entered into the public record December 8, 2025 • Leominster Conservation Commission hearing transcript, December 9, 2025 (includes Bohler Engineering response, Fuss & O'Neal peer review letter, and Conservation Commission vote) • Housing Committee minutes and records cited in David Rowlands's December 8, 2025 testimony • Planning Board voting records, Petition 15-25 and Petition 9-26 • Leominster Planning Board meeting recording, November 3, 2025 (YouTube auto-transcript; documents Petition 9-26 on the agenda, extended Board deliberation, and a three-to-three tiebreaker on a development impact statement procedural matter at timestamp 3:43:26 — eight minutes prior to introduction of Petition 9-26) • Leominster Planning Board meeting recording, November 17, 2025 (YouTube auto-transcript; documents Rowlands's on-record confirmation of cap removal as the developer's specific request with buildout math of approximately 1,677 units, eight-year zoning freeze mechanism under Massachusetts Subdivision Control Law, and Planning Board approval of both Orchard Hill Park Extension and Pioneer Drive preliminary subdivision plans with Chair Souza confirmed present) • Leominster City Council meeting transcript, February 2026 (Souza reappointment vote, Petition C-45; includes Ardinger's on-record disclosure of family relationship with Souza, conflict of interest exchange with Attorney Brian Riley, and five-to-three denial of reappointment) • **REQUIRED BEFORE PUBLICATION:** Official written minutes of the November 3, 2025 Planning Board meeting — to confirm vote breakdown on Petition 9-26 and individual member votes; official written minutes of the February 2026 City Council meeting — to confirm speaker identities for any Councilor quotes currently attributed generically • All documents available from the City Clerk's office under M.G.L. c. 66, §10.*

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**LEGAL NOTICE** *This article does not allege criminal conduct or legal violation by any named individual. Legal questions identified in this report require determination by the Massachusetts State Ethics Commission, qualified legal counsel, or a court. Ethics inquiries: [ethics.mass.gov](https://ethics.mass.gov).*