



City of Gardner, Massachusetts  
Office of the City Council

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CALENDAR FOR THE MEETING  
of  
MONDAY, FEBRUARY 6, 2023  
CITY COUNCIL CHAMBER  
7:30 P.M.

**ORDER OF BUSINESS**

**I. CALL TO ORDER**

**II. CALL OF THE ROLL OF COUNCILLORS**

**10889** – Ward 3 Councillor Appointment for term expiring 1/1/2024.

**III. OPENING PRAYER**

**IV. PLEDGE OF ALLEGIANCE**

**V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS**

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

**VI. READING OF MINUTES OF PRIOR MEETING(S)**

Reading and Approval of the Minutes of:

- October 17, 2022 Regular Meeting
- November 7, 2022 Joint Public Hearing with Planning Board

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**COMMUNICATIONS**

**10886** – A Notification from the Mayor Regarding Free Cash Appropriation Proposals.  
(*Finance Committee*)

**ORDERS**

**10887** – An Order Appropriating \$4,040.00 from Free Cash to the Engineering Dept.-  
Capital Improvement Uptown Rotary Account. (*Finance Committee*)

**ORDERS, continued**

**10888** – An Order Authorizing the City to Borrow \$5,380,000.00 for the Airport Runway Improvement Project. (*Finance Committee*)

**IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**X. REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE**

**10881** – An Order Appropriating \$134,500.00 From Free Cash to FAA Airport Runway and Taxiway System – City Portion. (*In the City Council and Referred to Finance Committee 1/17/2022*)

**10885** – An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Thereof, Entitled “Personnel,” to Change Compensation Schedule 1, Yearly Salaries, Mayor and City Councillors. (*In the City Council and Referred to Finance Committee*)

**APPOINTMENTS COMMITTEE**

**10880** – A Measure Confirming the Mayor’s Appointment of Leonette Roy, to the position of Housing Authority Member, for term expiring December 27, 2027. (*In the City Council and Referred to Appointment Committee 1/17/2023*)

**SAFETY COMMITTEE**

**10861** – An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled “Vehicles and Traffic,” Section 42, Entitled “One Way Street.” (*In the City Council and Referred to Safety Committee 12/5/2022; More Time 12/19/2022, 01/03/2023, 1/17/2023*)

**10882** – An Application for Motor Vehicle Dealers License, Class II, Gardner Five Star Auto Sales, 407 Chestnut Street. (*In the City Council and Referred to Safety Committee 1/17/2023*)

**10883** – An Application for Motor Vehicle Dealers License, Class II, Riverside Auto, 65 Riverside Road. (*In the City Council and Referred to Safety Committee 1/17/2023*)

**10884** – An Application for Motor Vehicle Dealers License, Class III, Riverside Auto, 65 Riverside Road. (*In the City Council and Referred to Safety Committee 1/17/2023*)

**XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**XII. NEW BUSINESS**

**XIII. CLOSING PRAYER**

**XIV. ADJOURNMENT**

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Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by the Council.



**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
 CITY CLERK

**TITI SIRIPHAN, City Clerk**  
**JOHN A. OLIVARI, Asst. City Clerk**  
**FAITH GLOVER, Asst. City Clerk**  
 Room 121, City Hall  
 Tel (978) 630-4058  
 Fax (978) 630-2589

February 2, 2023

Hon. Elizabeth J. Kazinskas, President  
 And Members of the City Council  
 City Hall  
 95 Pleasant Street  
 Gardner, MA 01440

**Re: Notice of Vacancy in Ward 3 Councillor Position**

Dear President Kazinskas and Members of the City Council:

Please be advised that the position of Ward 3 Councillor is vacant due to the resignation of Councillor Nathan R. Boudreau, which became effective December 19, 2022.

Consequently, the provisions of Section 32 of the *Charter of the City of Gardner* requires the City Council appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term. Councillor Boudreau ran unopposed in the 2021 election.

Therefore, the City Council by majority vote, may elect a qualified resident of Ward 3 to fill the vacancy for the unexpired term under procedures determined by the Council.

Following the Council vote December 19, 2022, advertisement of the vacancy was published in the Gardner News on December 23, 2022, on the City's website: <https://www.gardner-ma.gov/CivicAlerts.aspx?AID=1261>, the Gardner City Hall social media account, outside the City Clerk's Office "clothes line," where all public meetings are posted, and at the Gardner Police Department.

Letters of interest were due to my office by 4:30 p.m. on February 1, 2023. All letters received are attached to this correspondence.

Should you have any questions, please feel free to contact me.

Sincerely,

TITI SIRIPHAN  
 City Clerk



**PRESIDENT**  
Elizabeth J. Kazinskas

**COUNCILLORS AT LARGE**  
James S. Boone  
Craig R. Cormier  
Ronald F. Cormier  
Elizabeth J. Kazinskas  
Judy A. Mack  
George C. Tyros

**WARD 1 COUNCILLOR**  
James M. Walsh, Esq.

**WARD 2 COUNCILLOR**  
Dana M. Heath

**WARD 3 COUNCILLOR**

**WARD 4 COUNCILLOR**  
Karen G. Hardern

**WARD 5 COUNCILLOR**  
Alek Dernalowicz, Esq.

**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
CITY COUNCIL



**CITY OF GARDNER**  
**NOTICE OF VACANCY**  
**WARD 3 COUNCILLOR**

In accordance with Section 32 of the *Charter of the City of Gardner*, notice is hereby given that on February 6, 2023, the City Council will elect a resident of Ward 3 to fill the Ward Councillor vacancy for the term expiring January 1, 2024. Any registered voter residing in Ward 3 interested in being considered for the position is required to submit a letter of interest and qualifications to the City Council. Letters must be received in the City Clerk's Office, City Hall, Room 121, no later than Noon on Wednesday, February 1, 2023.

**BY THE GARDNER CITY COUNCIL**

**Titi Siriphan**  
City Clerk

 **Govt Public Notices****CITY OF GARDNER  
NOTICE OF VACANCY  
WARD 3 COUNCILLOR**

In accordance with Section 32 of the *Charter of the City of Gardner*, notice is hereby given that on February 6, 2023, the City Council will elect a resident of Ward 3 to fill the Ward 3 Councillor vacancy for the term expiring January 1, 2024. Any registered voter residing in Ward 3 interested in being considered for the position is required to submit a letter of interest and qualifications to the City Council. Letters must be received in the City Clerk's Office, City Hall, Room 121, no later than Noon on Wednesday, February 1, 2023.

**BY THE GARDNER CITY  
COUNCIL  
Titi Siriphan  
City Clerk**

December 23, 2022

**Titi Siriphan**

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**From:** Paul Tassone <ptassone@comcast.net>  
**Sent:** Thursday, December 22, 2022 11:01 AM  
**To:** Titi Siriphan  
**Cc:** Paul Tassone  
**Subject:** [EXTERNAL] Ward 3 City Council vacancy

**CAUTION:** This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear City Clerk and City Council members,

My name is Paul Tassone and currently reside at 52 Church St Gardner Ma. I am reaching out for consideration to fill the Ward 3 vacancy.

I have recently reached out to almost all of the council personally to express my interest in filling the position.

I have worked with many of the council members in the past as the former Ward 2 city councilor and as a member of the school committee for six years. I believe my past experience understanding how we work together as a council would assist me in a smooth transition into the position. I continue to stay involved with what is going on in the city as a current member of the GRA and a member of the Chamber of Commerce legislative committee.

I appreciate consideration for the position to fill the vacancy for Ward 3 City Councilor. Please do not hesitate to reach out with any questions you may have for me regarding this position.

Sincerely,  
Paul Tassone  
52 Church St  
Gardner Ma  
01440  
ptassone@comcast.net

Sent from Mail for Windows

11/22/2022 11:01 AM  
11/22/2022 11:01 AM  
11/22/2022 11:01 AM

**Titi Siriphan**

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**From:** Michael Cormier <flippa5@icloud.com>  
**Sent:** Saturday, January 7, 2023 2:30 AM  
**To:** Titi Siriphan  
**Subject:** [EXTERNAL] Ward 3 open councilor

CAUTION: This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Ma'am....

My name is..  
Michael Cormier  
64 Jean Street  
Gardner, MA 01440

I want to represent my fellow Ward 3 residents.  
Please take this email as my application for the open city council position.

Thank you,  
Michael Cormier

Sent from my iPhone

REC'D - 9 AM 6:31  
JAN 7 2023  
CITY OF GARDNER

# MICHAEL CORMIER

64 Jean St. Gardner , MA 01440  
774-420-9333  
Mccormier5@outlook.com

## SUMMARY

Highly accomplished Correctional professional with more than 21 years of experience with Massachusetts Department of Correction. Proven leader with 16 years of supervisory experience along with exceptional people skills. Highly accomplished Military professional with more than 24 years of experience with US Department of Defense. Can perform under any/all conditions, as proven by stressors of both prison/combat settings.

## SKILLS

- Excellent problem solver
- First Aid/CPR certified
- File/records maintenance
- Computer proficient
- Operations management
- Dependable
- Training and development
- Quick learner

## EXPERIENCE

### DEPARTMENT OF CORRECTION Milford, MA

**Lieutenant** 07/1996 to 04/2018  
During the course of a 21 1/2 year career, rose to the rank of Lieutenant. On numerous times assigned as Shift Commander, the ranking officer in command of an institution with 1400+ inmates. On site incident commander during emergencies, directing staff throughout the process. Supervise staff daily, conduct inspections, write employee performance reports, review reports, ensure staff posted as needed..

### US AIR FORCE RESERVE Chicopee, MA

**Master Sergeant** 09/1989 to 07/2015  
During the course of a 20+ year career, rose through the ranks to Master Sergeant (E-7), a Senior Non Commissioned Officer. Led Airmen within Command to perform any tasks required, whether it be Stateside or at various areas of responsibility worldwide such as Afghanistan and Iraq. As an Air Transportation Craftsman, duties consisted of loading/offloading cargo/passengers from numerous US aircraft along with aircraft from our various Allies. Utilized various material handling equipment-forklift, loader, stair truck, bus...Supervised functions, wrote enlisted performance reports, conducted audits, trained Airmen in the use of MHE..

## EDUCATION AND TRAINING

**BACHELOR OF SCIENCE: SOCIOLOGY** 2000  
**Fitchburg State University**, Fitchburg, MA, United States  
Minor in French

**ASSOCIATE OF SCIENCE: CRIMINAL JUSTICE** 1997  
**Mount Wachusett Community College**, Gardner, MA, United States  
Certificate in Corrections

## ACTIVITIES AND HONORS

Veteran of Foreign Wars-Member, American Legion-Member, Disabled American Veterans-Member, Wounded Warrior Project-Member, Fitchburg State University-Member Alumni Association

**Titi Siriphan**

**From:** Anthony Richard <atrain.richard.57@gmail.com>  
**Sent:** Monday, January 9, 2023 2:07 PM  
**To:** Titi Siriphan  
**Subject:** [EXTERNAL] Letter of interest Ward 3

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from a sender outside of the City of Gardner mail system. Do not click on links or open attachments unless you verify the sender and know the content is safe.

Dear Councilor,

My name is Anthony Richard. I live at 296 Parker Street here in Gardner. My fiance, Hannah Boudreau, and I purchased our home in December of 2021. It is a two unit property so not only are we homeowners in this ward but we are also landlords. I have worked in the Ward since I was seventeen years old at Garden Pizza and Seafood located at 24 Parker Street. While my fiance has also worked in the Ward, from her first job in highschool at Duguays, to now working in the lending department at GFA. I have recently begun my career as a real estate agent for eXprealty so I no longer am full time at the restaurant but I still have a great relationship with the owner and his family and help them out when I am available. I am twenty one years young but I believe my unique experience through life so far has put me in a great mindset to help and serve the community. I moved to Gardner in 2016 when I was fifteen years old. What brought me to the city was a tragic and fatal car accident when I was 9 years old. My father passed away leaving me and my 2 younger sisters with our newly widowed and struggling mother. Over the following few years my mother fell into a life of addiction in turn leaving us kids in need of not only basic commodities such as a bed, clean clothes and food but more importantly someone to keep us safe and loved and free of worries that should not be placed on children of such a young age. My younger sisters and I were blessed to have a family that did everything in their power to help us. From my aunt who took us into a home where she was already raising four children herself, making her then a single mother of seven. To my great grandfather who actually purchased the home for us on Summit Ave in South Gardner. To my grandfather, a 20+ year resident of Gardner, who took me and my sisters to live with him a few years after our move to Gardner when the seven of us became too much to handle for my aunt who worked as a teacher in the Lincoln/Sudbury school district. You may be asking yourself; what does any of this have to do with being Ward 3 councilor? I would say it has everything to do with it. Gardner was my second chance. Had I never been moved here, I more likely than not would be in an extremely poor position in my life. I have changed my whole life and perspective for the better in Gardner and hope to help others in the community, especially the young battle tested individuals similar to myself at their age. I grew up a sports kid. Baseball, basketball, football all year round. My late father was my coach for all three. He taught me discipline and hard work but more importantly leadership. It led me to be a two sport captain (football and baseball) my senior year at Gardner. My time through highschool was not always the greatest. My first two years, I was not that leader that I became. I was very naive and believed that school is useless and nothing matters because I was so hurt from my past traumas I had thought that is all life is. But the community of staff from guidance counselor Mrs. McCrillis to football coach Sean Whittle to now principle Mrs. Bolger really helped me find meaning and purpose in helping and strengthening others.

There have been times in my life where my family lived on section 8 and relied on a Saturday morning visit to the food pantry and now I live a life where I am a homeowner/landlord. I give loads of credit to the community and people of Gardner for everything they've done for me both physically and emotionally and I believe it is my turn to help and give back in any and every way I possibly can.

My and my fiance's plan for the future is to continue to invest in real estate here in Gardner and to do our best to change people's stories and lives for the better along the way. And eventually to start the next

generation of our family here. If one thing is for sure it is that the future of the city is EXTREMELY important to me and my family and no one would work harder in trying to preserve and enhance everything Gardner has to offer its residence.

Thank you for the opportunity to speak my part on what this city means to me. Looking forward to a better tomorrow.

Sincerely Anthony Richard

(978) 434-7249

[anthony.s.richard@exprealty.com](mailto:anthony.s.richard@exprealty.com)



**City Council vacant Ward 3 Letter of interest to be appointed to:**

RECEIVED  
FEB -1 PM 1:55  
CITY OF GARDNER

I, Jeffrey Palmieri would like to be considered for the vacant Ward 3 councilor position that, Nathan Boudreau, resigned from.

I ran against Nate 3 years ago. He prevailed as the winner but in my loss, I gained many peoples trust as they know my character.

I have held the Councilor At Large position from 2015 – 2017. As my experience as a councilor was a great and humbling experience to see the way city government is run.

I have lived in Ward 3 – Greenwood Street for 35 years with my wife and children who both went through the Gardner school system. My grandparents lived in the city for 60 years. I know the neighborhood.

I am now retired with much time to help the citizens of Gardner Ward 3 and who ever needs help.

I have had a long history as a citizen in this city.

- 27 years at Applewild School as the Chef and Food Director
- Owned and operated the real Chair City Diner across from Williams restaurant for 5 years. I gave great food at a fair price. (Councilor Dernalowicz can attest to)
- Previously was Exalted Ruler for the Elks Lodge. Perhaps the most charitable organization
- President of the Little League softball and baseball – 2years.
- Coached youth sports for 12 years – basketball, baseball and soccer.
- Member of Kendall Pond Association.
- I am an active football referee of High Schools, pop warner and flag football a very fair and respected official. (Councilor Dana Heath can attest to)
- Volunteered to help and cook Youth Football Banquets at Elks and PACC. (Ryan Laliberte can attest to) “Giving back to the community”
- Active Softball Umpire for many years for Youth Girl Softball, Middle School and High School.
- Middle School softball coaches in Gardner gave me kudos for helping to develop their players skills while umpiring.



- The Gardner Men's Softball League players gave me high praise for being honest and above all fair as I have played with them for years. (Councilor Dernalowicz can attest to)
- Councilor James Walsh, former President of the Council sent me a wonderful letter giving the utmost respect and told me he knew I would come back as I did an outstanding job for caring about the citizens of Gardner.
- Councilor Harding said I was a pleasure to work with.
- Councilor James Boone who graduated with me can attest to my character.
- Councilor Alex Dernalowicz who I played softball with for many years and won the City Softball championship.

While on the council then President James Walsh asked me what I would like to do on a committee. I asked only that I stay on the Public Welfare Committee so that I could learn more about it to better serve the council and the citizens.

Councilor Ron Cormier taught me to be on an (even keel) not to high not to low. So that you can better understand both sides of the situation and to take nothing personal. To be able to work with fellow councilors as he said no one person knows it all. As listening is a key component in being a councilor, which sees both sides. Councilor Walsh also taught me the most important thing was getting all the facts and all angles before you have made a sound decision based on facts.

I feel I am best suited and qualified to be Councilor of Ward 3. To be a leader of integrity, transparency, honest, compassion and above all common sense and treat people as I would like to be treated.

Thank you for your consideration,

Jeffrey Palmieri



Please note, I have a link (Website) to the Safety Committee Public Hearing on January 25, 2023, which I spoke. Please view as it concerns all citizens and councilors.

<https://www.youtube.com/watch?v=ZfnkEkdnBZO>

*which shows how I Act Professionally*



Gardner Public Safety Committee Meeting Jan 25, 2023

YouTube · City of Gardner Massachusetts

1 week ago

*Also Attached sheet*



OFFICE OF THE  
CITY CLERK

Room 121, City Hall  
Tel (978) 630-4055  
Fax (978) 630-2555

January 10, 2023

ABUTTERS NOTICE AND OTHER INTERESTED PARTIES

Pursuant to the provisions of Chapter 567 of *The Code of the City of Gardner*, notice is hereby given that the Public Safety Committee will conduct a Public Hearing on Wednesday, January 25, 2023 at 8:45 a.m. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, Massachusetts, regarding:

#10861 - An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street." (*In the City Council and Referred to Public Safety Committee 12/5/2022; More Time 12/19/2022, 1/3/2023*)

Persons interested in this matter are encouraged to attend and to offer testimony.

Very Vague

Councilors never saw letter

CITY COUNCIL OF GARDNER

Titi Siriphan, City Clerk

- ① No Reference of street
  - ② No Direction (one way)
  - ③ No Publication
  - ④ 845 AM - 2 people Attended
  - ⑤ NO Abutters got Letter Moran - Greenwood st - Baker - Parker
- To Be Reccomment to public Hearing AT evening

**REGULAR MEETING OF OCTOBER 17, 2022**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, October 17, 2022.

**CALL TO ORDER**

Council President Kazinskas called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, and James Walsh.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Kazinskas led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Elizabeth Kazinskas announced to the assembly that the Open Meeting Recording and Public Records Announcement. Any person may make a video or audio recording of an open session of a meeting or may transmit the meeting through any medium subject to reasonable requirements of the chair as to the number placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recordings shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the chair as they become part of the meeting minutes pursuant to General Law Chapter 38 Section 20.

**READING & ACCEPTANCE OF MINUTES**

There were no minutes presented.

**COMMUNICATIONS FROM THE MAYOR**  
**COMMUNICATIONS****#10807**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, eleven (11) yeas, President Elizabeth

REGULAR MEETING OF OCTOBER 17, 2022

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Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh that the following order ought to pass:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF  
LAND AND BUILDINGS AT LEAMY STREET

**VOTED:**

To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 14 Leamy Street, further identified on the City of Gardner Assessor's Map as M22-00007-00032, to establish as a minimum amount of \$51,000.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

**#10808**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh that the following order ought to pass:

DECLARING SURPLUS FOR PURPOSE OF DISPOSAL OF  
LAND AND BUILDINGS AT LEAMY STREET

**VOTED:**

To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 177 West Street, further identified on the City of Gardner Assessor's Map as M27-00023-00023, to establish as a minimum amount of \$20,000.00 to be paid for any conveyance of said property, and to authorize the Mayor to convey said land, or part thereof, for such amount or larger amount, and upon such other terms as the Mayor shall consider proper in accordance with this Vote.

REGULAR MEETING OF OCTOBER 17, 2022

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**#10809**

Councillor Ronald Cormier informed the Council that the finance committee was grateful to receive this “educational correspondence” from the Mayor who went into great length explaining the process of setting free cash and when it can be used.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to place on file *A Correspondence Regarding Municipal Finance and Free Cash Regulations*.

**#10810**

Councillor Ronald Cormier informed the Council that the Mayor has provided the committee with a listing of disposed properties and an update regarding these sales.

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to place on file *A Notification from the Mayor Regarding Update on Sales of City Properties*.

**COMMUNICATIONS FROM THE MAYOR**  
**APPOINTMENTS**

**#10805**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer to the Appointments Committee *A Measure Confirming the Mayor’s Appointments of Election Officers for 2022 – 2023* for further study and report.

**#10806**

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer to the



## REGULAR MEETING OF OCTOBER 17, 2022

Appointments Committee *A Measure Confirming the Police Officer Assignments to Polling Locations* for further study and report.

**#10811**

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer to the Appointments Committee *A Measure Confirming the Mayor's Appointment of Joshua Cormier, to the position of Director of Purchasing/Civil Enforcement, for term expiring October 11, 2025* for further study and report.

**#10812**

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to place on file *A Measure Confirming the Mayor's Appointment of Joshua Cormier, to the position of Tax Title Custodian, for term expiring October 11, 2025*.

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.****#10813**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh that the following order ought to pass:

**Commonwealth of Massachusetts**

**CITY OF GARDNER  
STATE ELECTION ORDER  
NOVEMBER 8, 2022**

**VOTED:**

That meetings of the citizens of this City qualified to vote in the State Election shall be held on TUESDAY, the 8<sup>th</sup> DAY OF NOVEMBER 2022, FROM 7:00 A.M. TO 8:00 P.M. for the purpose of casting their votes in the State Election for the candidates of political parties for the following offices and questions:





REGULAR MEETING OF OCTOBER 17, 2022

GOVERNOR.....FOR THIS COMMONWEALTH  
 LIEUTENANT GOVERNOR.....FOR THIS COMMONWEALTH  
 ATTORNEY GENERAL.....FOR THIS COMMONWEALTH  
 SECRETARY OF STATE .....FOR THIS COMMONWEALTH  
 TREASURER AND RECEIVER GENERAL.....FOR THIS COMMONWEALTH  
 AUDITOR.....FOR THIS COMMONWEALTH  
 REPRESENTATIVE IN CONGRESS.....THIRD DISTRICT  
 COUNCILLOR.....SEVENTH DISTRICT  
 SENATOR IN GENERAL COURT.....WORCESTER & MIDDLESEX DISTRICT  
 REPRESENTATIVE IN GENERAL COURT.....SECOND WORCESTER DISTRICT  
 DISTRICT ATTORNEY.....MIDDLE DISTRICT  
 SHERIFF.....WORCESTER COUNTY

\*\*\*\*\*

**QUESTION 1**

**PROPOSED CONSTITUTIONAL AMENDMENT**

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yeas 159 – nays 41)?

**SUMMARY**

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

*A YES VOTE* would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

*A NO VOTE* would make no change in the state Constitution relative to income tax.

**QUESTION 2**

**LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

REGULAR MEETING OF OCTOBER 17, 2022

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**SUMMARY**

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.



REGULAR MEETING OF OCTOBER 17, 2022

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The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

**A YES VOTE** would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

**A NO VOTE** would make no change in the law relative to the regulations that apply to dental insurance companies.

**QUESTION 3****LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

**SUMMARY**

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person’s identity and age.

**A YES VOTE** would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

**A NO VOTE** would make no change in the laws governing the retail sale of alcoholic beverages.

**QUESTION 4**



## REGULAR MEETING OF OCTOBER 17, 2022

## REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

## SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

**A YES VOTE** would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

**A NO VOTE** would repeal this law.

It is further ordered that the following polling places are designated by the City Council:

WARD 1, PRECINCT A – Elk's Home, 31 Park Street

REGULAR MEETING OF OCTOBER 17, 2022

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WARD 1, PRECINCT B – Elk’s Home, 31 Park Street  
WARD 2, PRECINCT A – Levi Heywood Memorial Library, 55 West Lynde Street  
WARD 2, PRECINCT B – Levi Heywood Memorial Library, 55 West Lynde Street  
WARD 3, PRECINCT A – City Hall, Perry Auditorium, 95 Pleasant Street  
WARD 3, PRECINCT B – City Hall, Perry Auditorium, 95 Pleasant Street  
WARD 4, PRECINCT A – Police Headquarters, 200 Main Street  
WARD 4, PRECINCT B – Police Headquarters, 200 Main Street  
WARD 5, PRECINCT A – Polish American Club, 171 Kendall Pond Road W  
WARD 5, PRECINCT B – Polish American Club, 171 Kendall Pond Road W

It is further directed that his Order be posted in accordance with the provisions of Section 63 of Chapter 54 of the General Laws.

BY ORDER OF THE CITY COUNCIL

TITI SIRIPHAN  
City Clerk

**#10814**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer to the Safety Committee *An Application to Buy & Sell Second Hand Motor Vehicles, Class 2 for Sylvester R. Anghuy, located at 146 Sherman Street* for further study and report.

**UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION****#10798**

Councillor Nathan Boudreau informed the Council that the Planning Board did meet and discuss this item on October 11<sup>th</sup> and voted to recommend to the Council to approve the proposed zoning map.

On a motion made by Councillor Nathan Boudreau and seconded by Councillor Karen Hardern, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Crag Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh schedule a public hearing with the Planning Board *A Petition Submitted by PrivateOversight, LLC, for an Ordinance to Amend the Code of the City of Gardner, Chapter 675, Entitled “Zoning,” per Zoning Act M.G.L. 40A.*



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**REGULAR MEETING OF OCTOBER 17, 2022**

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**NEW BUSINESS**

Councillor James Boone mentioned that he would like to get updated information regarding the South Main Street bridge. He has reached out to the Mayor's office and DPW Director and received no response. Councillor Boone also mentioned that many residents have received a post card regarding the electrical rates going up. He wanted to mention that residents should look at their electrical bill because there are charges for electrical vehicle, distributed solar, renewable energy, and energy efficiency.

Councillor Nathan Boudreau recommends that residents look at the DPW website that is user friendly to view electrical recommendations and opportunities listed. He would also like to thank supporters who have reached out to him regarding recent medical diagnoses he has. This is a great community and appreciates the support.

Councillor James Walsh would like to commend Councillor Nathan Boudreau for asking question but doing the necessary work to find out the answers.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Judy Mack, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to adjourn at 7:50 p.m.

**Accepted by the City Council:**




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 JOINT PUBLIC HEARING OF NOVEMBER 7, 2022
 

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Monday evening, November 7, 2022. The Joint Public Hearing of the City Council and Planning Board, held in the City Council Chamber, was called to order by Council President Elizabeth Kazinskas at 6:30 o'clock p.m. for the proposed amendment involves changing the zoning of 20 parcels of land along West Broadway from Kendall Pond Road west to the Templeton line from Commercial 2 to General Residential 3 on the Zoning Map.

City Clerk Titi Siriphan called the Roll. Present were:

**Members of the City Council (10)**

Elizabeth J. Kazinskas, President  
 James S. Boone  
 Nathan R. Boudreau  
 Craig R. Cormier  
 Ronald F. Cormier  
 Aleksander Dernalowicz  
 Karen G. Hardern  
 Dana M. Heath  
 Judy Mack  
 George C. Tyros

**Members of the Planning Board (4)**

Robert J. Bettez  
 Stephen E. Cormier  
 Mark M. Schafron  
 Robert J. Swartz

Councillor James Walsh was absent.

Planning Board Member Paul A. Cormier was absent.

President Elizabeth Kazinskas announced Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing on Monday, November 7, 2022 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing the zoning of 20 parcels of land along West Broadway from Kendall Pond Road west to the Templeton line from Commercial 2 to General Residential 3 on the Zoning Map. Information regarding this amendment is available for viewing in the City Clerk's Office, the Department of Community Development and Planning (DCDP), or on the City's webpage – [www.gardner-ma.gov](http://www.gardner-ma.gov).

All persons interested in this matter and desire to offer testimony are invited to attend the hearing. – Titi Siriphan, City Clerk.

JOINT PUBLIC HEARING OF NOVEMBER 7, 2022

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Community Development & Planning Director, Trevor Beauregard spoke in favor of the zoning ordinance amendment. At the October 11, 2022 planning board meeting, the members voted to recommend consideration of the request to the zoning amendment.

Attorney Christine Tree gave a presentation of the proposed amendment to the City Council and Planning Board members.

President Kazinskas announced thrice if anyone wishes to speak in favor of the proposed zoning amendment.

No one spoke.

President Kazinskas announced thrice if anyone wishes to speak in opposition of the proposed zoning amendment.

Jeanine Kia of 30 Deer Hill Road, would like to know how this project will impact their water system? She would also like to know if these units are apartment complexes or condos?

Attorney Tree responded that the proposal will be hooked up to city water and sewer so there wouldn't be any additional "draw" from any water available underground. In response to the type of units this project will be, they are townhouses with garages.

Louise Caissie of 22 Deer Hill Road, express concerns regarding and "blasting" in the area and how it will affect their well water and foundation.

Attorney Tree responded that there will be no blasting. They will be placing slabs.

Dianne Lupaczyk of 17 Deer Hill Road, spoke in opposition. Her concerns are with water draining down the road and flooding her cellar and yard. Everyone on Deer Hill Road has well water and she does not want to go on city water.

The public hearing closed at 7:12 p.m.

**Accepted by the City Council:**



A historical black and white photograph of a wooden monument. The monument has a sign on top that reads "THE LARGEST HAIR TOWER IN THE WORLD". Below the sign, several people are sitting on the structure. In the background, there is a building and a streetcar. A bright yellow rectangle is in the top right corner of the image.

# Petition for Zoning Map Amendment COM2 to GR3

WEST BROADWAY FROM KENDALL POND TO TEMPLETON

JOANNE TAVANO, MANAGER PRIVATEOVERSIGHT, LLC

ATTY. CHRISTINE M. TREE

# SUMMARY

WHAT  
WHERE  
WHY

Zoning Map Amendment changing existing  
COM2/RR2 zoning to GR3

19 Parcels in Ward 3 on West Broadway from  
Kendall Pond to Templeton

Change would make all parcels conforming,  
protect residential use and homeowners, and  
allow Petitioner's residential development by  
Special Permit and Site Plan Review

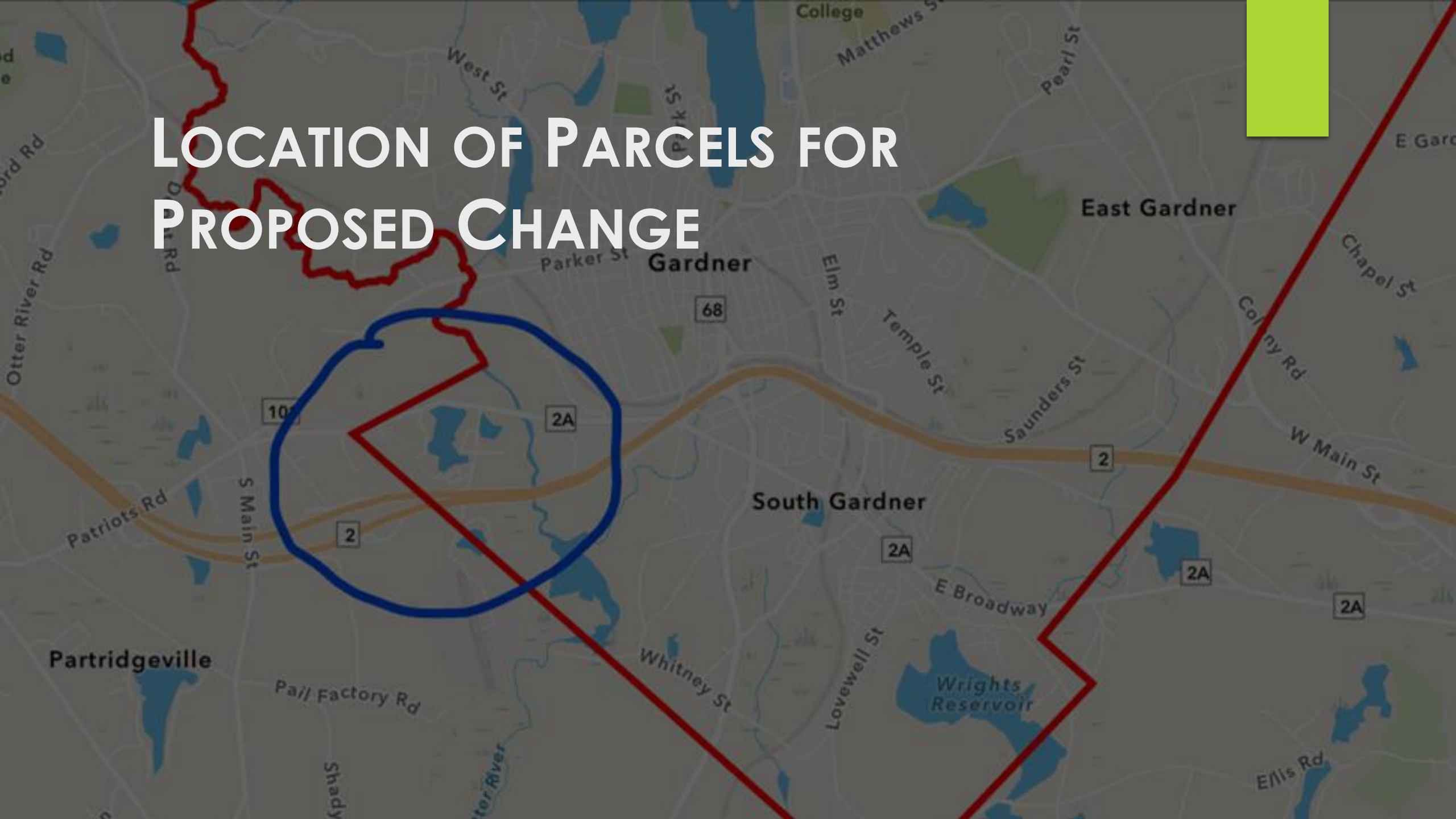




## Purpose of Proposed Change

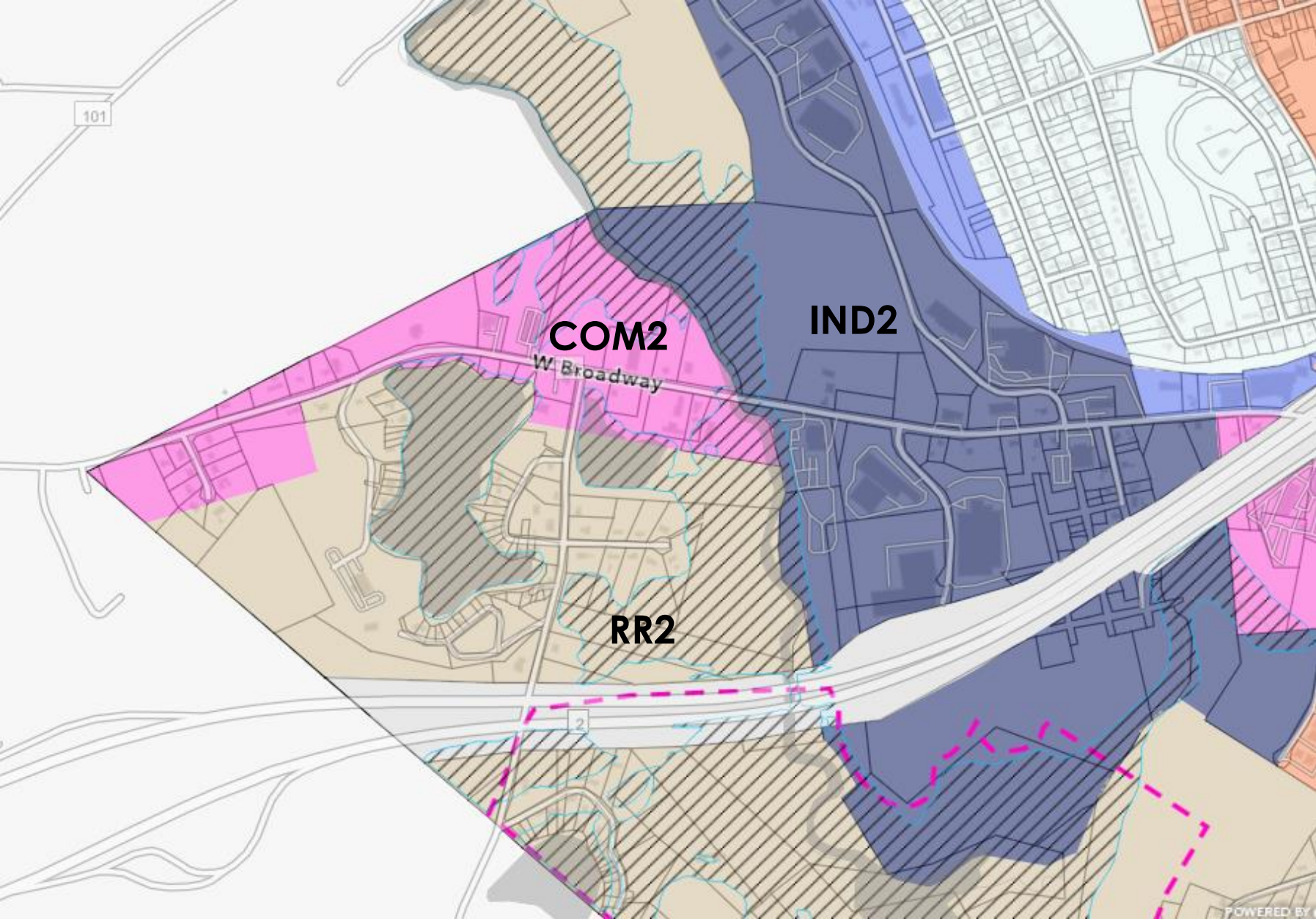
- ▶ All parcels are vacant or residential but the zoning is commercial
- ▶ All improved parcels included in petition are either nonconforming or built under variance
- ▶ Current zoning presents unnecessary barriers to single family owners
- ▶ Commercial uses are not compatible
- ▶ Petitioner's project for residential development would be allowable by Special Permit and Site Plan Review

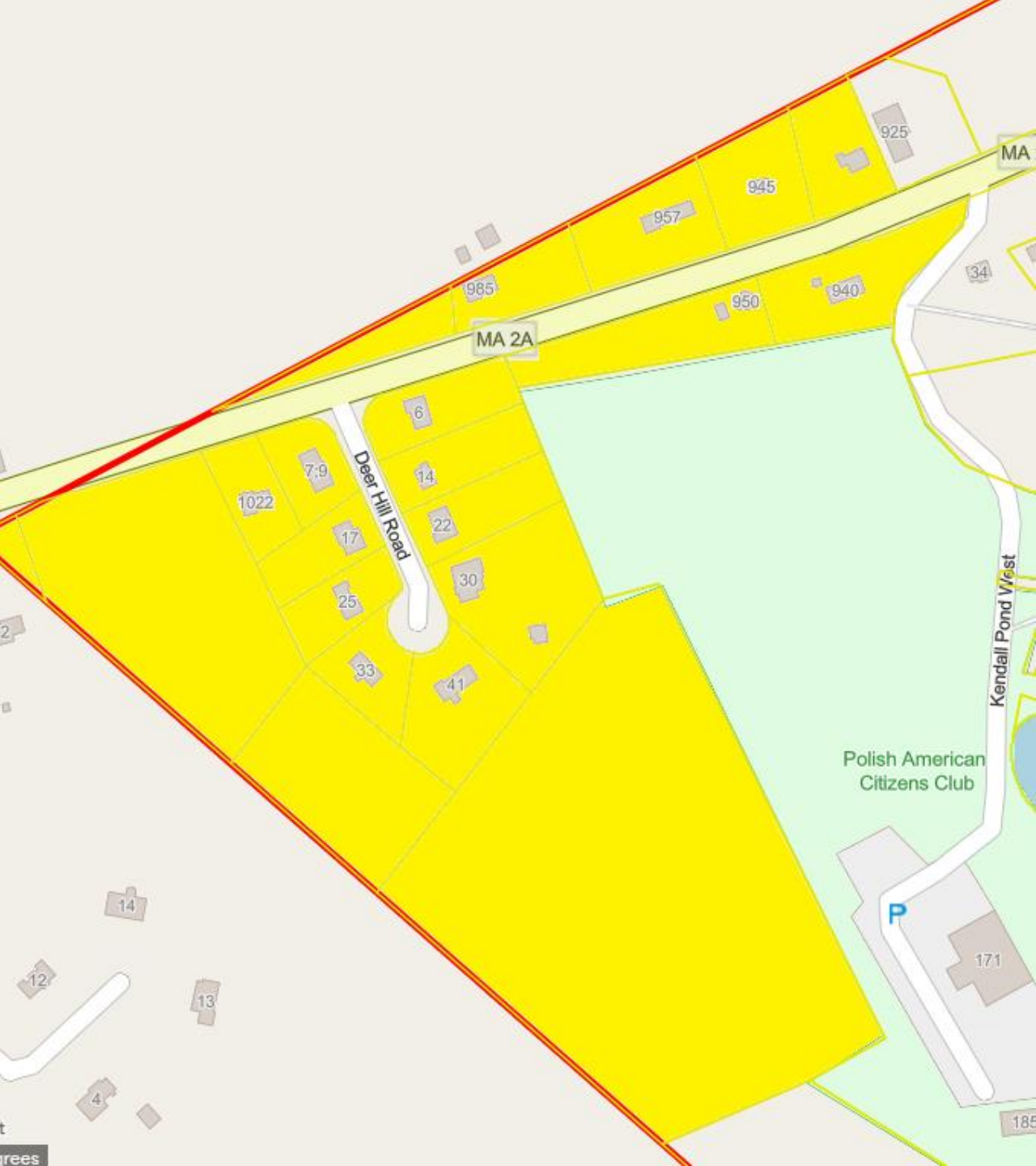
# LOCATION OF PARCELS FOR PROPOSED CHANGE





# LOCATION OF PROPOSED CHANGE





## Parcels affected by proposed Zoning Change

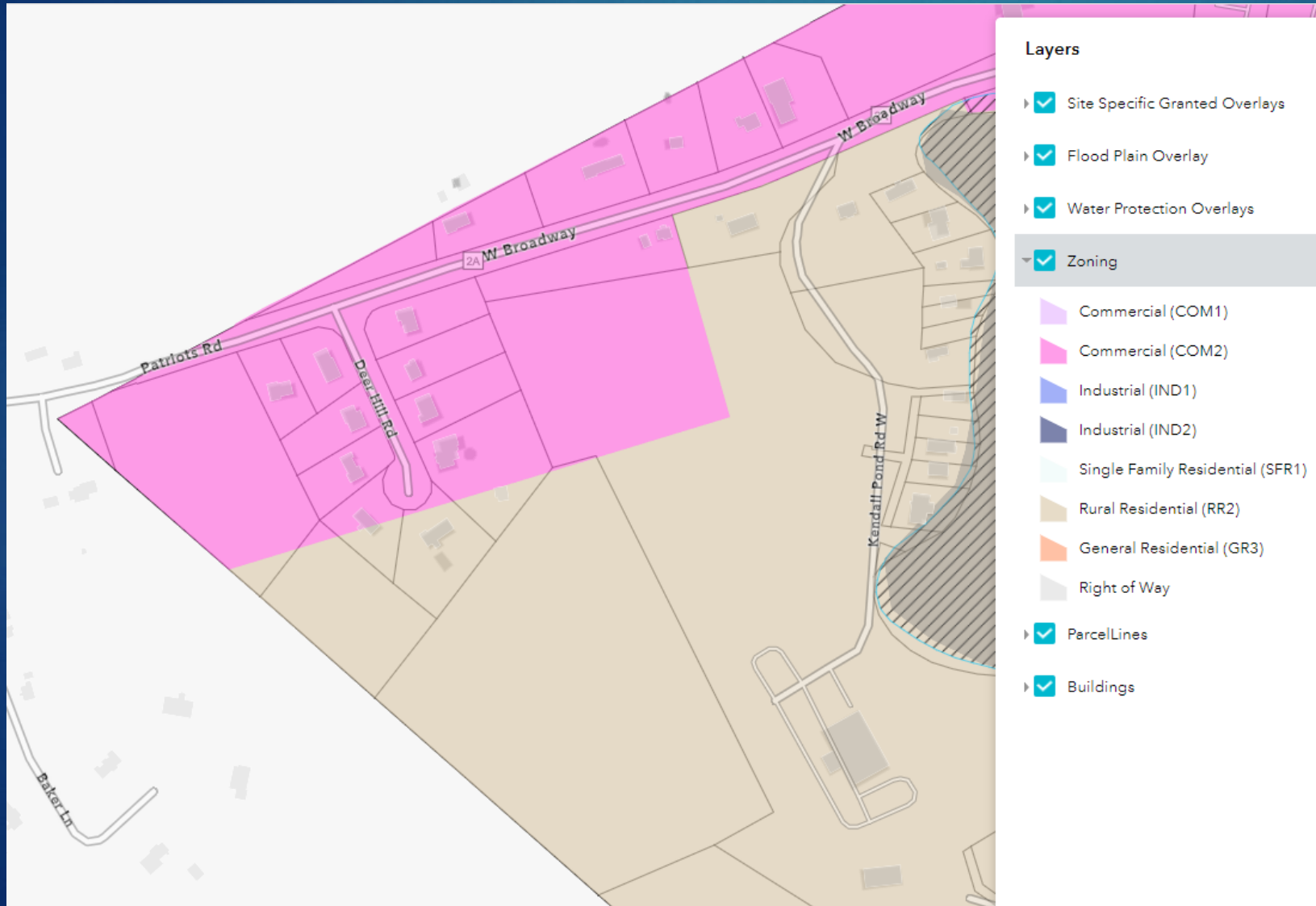
- ▶ 20 Parcels are included in the Petition
- ▶ Some Parcels are subject to a split zoning district between COM2 and RR2
- ▶ All Parcels are vacant or single family homes



# AFFECTED PARCELS, THEIR USE, AND OWNERS

| No. | Parcel ID | Use           | Owner                              |
|-----|-----------|---------------|------------------------------------|
| 1   | H-17-72-1 | Not Listed    | Not Listed                         |
| 2   | H17-7-1   | Vacant        | PrivateOversight, LLC              |
| 3   | H17-12-2  | Vacant        | PrivateOversight, LLC              |
| 4   | H17-13-9  | Vacant        | PrivateOversight, LLC              |
| 5   | H17-7-8   | Single Family | Charles Lemos                      |
| 6   | H17-7-7   | Single Family | Bryan & Nicole Keith               |
| 7   | H17-7-6   | Single Family | Thomas & Dianne Lupaczyk           |
| 8   | H17-7-5   | Single Family | Linda Daniels                      |
| 9   | H17-12-9  | Single Family | Becky Cooper-Glenz                 |
| 10  | H17-12-4  | Single Family | Daniel Ramos                       |
| 11  | H17-7-4   | Single Family | Kia Jeanne                         |
| 12  | H17-7-3   | Single Family | Louise, Daniel, Christopher Cassie |
| 13  | H17-7-2   | Single Family | Monique Aviles                     |
| 14  | H17-7-10  | Single Family | Thurston Silva, Jr.                |
| 15  | H17-3-9   | Single Family | Joseph Kiarie                      |
| 16  | H17-8-13A | Single Family | Deborah G. Leabman Revocable Trust |
| 17  | H17-8-16  | Single Family | Barbara & Lee Forgues              |
| 18  | H17-8-13  | Single Family | Brian & Joyce Bourgeois            |
| 19  | H17-8-15  | Single Family | Mark & Susan Harty                 |
| 20  | H17-3-1   | Single Family | Global Investments 1, Inc.         |

# CURRENT ZONING



Current Zoning in the target area shows how some of the proposed Parcels to be changes are in two zones, most notably 30 Deer Hill Road, 31 Deer Hill Road, and 41 Deer Hill Road.

# PARCELS CURRENT USE CONFORMITY

| No. | Parcel ID | Use                          | Property Address   | Conformity Pre-Change        | Conformity Post Change |
|-----|-----------|------------------------------|--------------------|------------------------------|------------------------|
| 1   | H-17-72-1 | Not Listed                   | West Broadway      | UNKNOWN                      | UNKNOWN                |
| 2   | H17-7-1   | Vacant-Proposed Multifamily  | 0 West Broadway    | NP                           | SP                     |
| 3   | H17-12-2  | Vacant- Proposed Multifamily | 0 West Broadway    | NP                           | SP                     |
| 4   | H17-13-9  | Vacant- Proposed Multifamily | 0 Airport Road     | NP                           | SP                     |
| 5   | H17-7-8   | Single Family                | 1022 West Broadway | Pre-existing, non-conforming | Conforming             |
| 6   | H17-7-7   | Single Family                | 9 Deer Hill Road   | Variance                     | Conforming             |
| 7   | H17-7-6   | Single Family                | 17 Deer Hill Road  | Variance                     | Conforming             |
| 8   | H17-7-5   | Single Family                | 25 Deer Hill Road  | Variance                     | Conforming             |
| 9   | H17-12-9  | Single Family                | 33 Deer Hill Road  | Variance                     | Conforming             |
| 10  | H17-12-4  | Single Family                | 41 Deer Hill Road  | Variance                     | Conforming             |
| 11  | H17-7-4   | Single Family                | 30 Deer Hill Road  | Variance                     | Conforming             |
| 12  | H17-7-3   | Single Family                | 22 Deer Hill Road  | Variance                     | Conforming             |
| 13  | H17-7-2   | Single Family                | 14 Deer Hill Road  | Variance                     | Conforming             |
| 14  | H17-7-10  | Single Family                | 6 Deer Hill Road   | Variance                     | Conforming             |
| 15  | H17-3-9   | Single Family                | 985 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 16  | H17-8-13A | Single Family                | 950 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 17  | H17-8-16  | Single Family                | 957 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 18  | H17-8-13  | Single Family                | 940 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 19  | H17-8-15  | Single Family                | 945 West Broadway  | Pre-existing, non-conforming | Conforming             |
| 20  | H17-3-1   | Single Family                | 935 West Broadway  | Pre-existing, non-conforming | Conforming             |

# ZONING POST PROPOSED CHANGE

- Site Specific Granted Overlays ...
  - Flood Plain Overlay ...
  - Water Protection Overlays ...
  - Zoning ...
  - ParcelLines ...
- Commercial (COM1)
  - Commercial (COM2)
  - Industrial (IND1)
  - Industrial (IND2)
  - Single Family Residential (SFR1)
  - Rural Residential (RR2)
  - General Residential (GR3)
  - Right of Way





# CURRENT ZONING IS DETRIMENTAL TO OWNERS AND DEVELOPMENT

- ▶ ALL PARCELS ARE NONCONFORMING OR ALLOWED BY VARIANCE
- ▶ USES ALLOWED BY RIGHT ARE DETRIMENTAL TO CURRENT OWNERS
- ▶ SINGLE FAMILY HOMEOWNERS FACE UNNECESSARY OBSTACLES TO IMPROVEMENTS
- ▶ LOTS ARE SPLIT ACROSS DISTRICTS

# TABLE OF RESIDENTIAL USES

| Description of Use                                                                              | RR2  | GR3  | COM1 | COM2 |
|-------------------------------------------------------------------------------------------------|------|------|------|------|
| <b>Residential Uses</b>                                                                         |      |      |      |      |
| 1. Single-family detached dwelling                                                              | P    | P    | P    | NP   |
| 2. Single-family detached dwelling for personnel required for safe operation of a permitted use | NP   | NP   | NP   | NP   |
| 3. Two-family dwelling                                                                          | SP   | P    | NP   | NP   |
| 4. Three- or four-family dwelling                                                               | SP   | SP   | SP   | NP   |
| 5. Multifamily dwelling                                                                         | NP   | SP   | SP   | NP   |
| 6. Hotel/motel                                                                                  | SP   | NP   | P    | P    |
| 7. Rooming house                                                                                | SP   | SP   | SP   | NP   |
| 8. Bed-and-breakfast, including Airbnb                                                          | SP   | SP   | SP   | NP   |
| 9. Senior residential development                                                               |      |      |      |      |
| a. Detached single-family dwellings                                                             | P    | P    | SPPB | SPPB |
| b. Two-family dwelling                                                                          | SPPB | SPPB | SPPB | NP   |
| c. Townhouse dwellings                                                                          | NP   | SPPB | SPPB | NP   |
| d. Independent living units                                                                     | NP   | SPPB | SPPB | SPPB |
| e. Assisted living residence with or without memory care                                        | NP   | SPPB | SPPB | SPPB |
| f. Continuing care senior living community                                                      | NP   | SPPB | SPPB | SPPB |
| 10. Open space residential development                                                          | SPPB | NP   | NP   | NP   |

# TABLE OF RESIDENTIAL USES

| Description of Use                                                                              | RR2  | GR3  | COM1 | COM2 |
|-------------------------------------------------------------------------------------------------|------|------|------|------|
| <b>Residential Uses</b>                                                                         |      |      |      |      |
| 1.Single-family detached dwelling                                                               | P    | P    | P    | NP   |
| 2. Single-family detached dwelling for personnel required for safe operation of a permitted use | NP   | NP   | NP   | NP   |
| 3.Two-family dwelling                                                                           | SP   | P    | NP   | NP   |
| 4.Three- or four-family dwelling                                                                | SP   | SP   | SP   | NP   |
| 5.Multifamily dwelling                                                                          | NP   | SP   | SP   | NP   |
| 6.Hotel/motel                                                                                   | SP   | NP   | P    | P    |
| 7.Rooming house                                                                                 | SP   | SP   | SP   | NP   |
| 8.Bed-and-breakfast, including Airbnb                                                           | SP   | SP   | SP   | NP   |
| 9.Senior residential development                                                                |      |      |      |      |
| a.Detached single-family dwellings                                                              | P    | P    | SPPB | SPPB |
| b.Two-family dwelling                                                                           | SPPB | SPPB | SPPB | NP   |
| c.Townhouse dwellings                                                                           | NP   | SPPB | SPPB | NP   |
| d.Independent living units                                                                      | NP   | SPPB | SPPB | SPPB |
| e. Assisted living residence with or without memory care                                        | NP   | SPPB | SPPB | SPPB |
| f.Continuing care senior living community                                                       | NP   | SPPB | SPPB | SPPB |
| 10.Open space residential development                                                           | SPPB | NP   | NP   | NP   |

| Business Uses                                                                                                           | RR2 | GR3 | COM1 | COM2 |
|-------------------------------------------------------------------------------------------------------------------------|-----|-----|------|------|
| 30. Mixed use                                                                                                           | NP  | SP  | P    | P    |
| 31. Professional office                                                                                                 | NP  | NP  | P    | P    |
| 32. Professional office or studio use that exceeds 15% of gross floor area within the principal building of a residence | NP  | SP  | P    | P    |
| 33. Medical office building                                                                                             | NP  | NP  | P    | P    |
| 34. Home occupation                                                                                                     | P   | P   | P    | NP   |
| 35. Convenience retail less than 2,500 square feet                                                                      | NP  | SP  | P    | P    |
| 36. Retail store up to 15,000 square feet                                                                               | NP  | NP  | P    | P    |
| 37. Retail store over 15,000 square feet                                                                                | NP  | NP  | SP   | SP   |
| 38. Bank or other financial institution                                                                                 | NP  | NP  | P    | P    |
| 39. Coin-operated laundry                                                                                               | NP  | SP  | P    | P    |
| 40. Laundry dry-cleaning establishment where washing and dry cleaning is performed on premises                          | NP  | NP  | SP   | SP   |
| 41. Laundry dry cleaning establishment where washing and dry cleaning is performed off premises                         | NP  | SP  | P    | P    |
| 42. Craft, consumer or personal service establishment dealing directly with the general public                          | NP  | NP  | P    | P    |
| 43. Undertaking establishment, mortuary, or funeral home                                                                | SP  | SP  | P    | P    |
| 44. Motor vehicle light service, including fuel sales, oil and fluid changes.                                           | NP  | NP  | SP   | SP   |

# TABLE OF BUSINESS USES, PT. 1

|                                                                                                                                                                                                                                           |    |    |    |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|
| 45.Salesroom for motor vehicles, trailers, boats, farm implements or machinery, with repair services and storage permitted                                                                                                                | NP | NP | NP | P  |
| 46.Motor vehicle general repairs, excluding body repair and painting                                                                                                                                                                      | NP | NP | NP | SP |
| 47.Motor vehicle body repair, soldering or welding shop                                                                                                                                                                                   | NP | NP | NP | SP |
| 48.Car washing or detailing establishment                                                                                                                                                                                                 | NP | NP | NP | SP |
| 49. Restaurant                                                                                                                                                                                                                            | SP | NP | P  | P  |
| 50. Restaurant, fast-food, including appurtenant structures to provide drive-through or drive-in services                                                                                                                                 | NP | NP | SP | SP |
| 51.Restaurant serving food or beverages with live or mechanical entertainment                                                                                                                                                             | SP | NP | SP | P  |
| 52.Wholesale office or showroom, with storage limited to floor samples only                                                                                                                                                               | NP | NP | P  | P  |
| 53.Wholesale office or showroom with storage permitted on property                                                                                                                                                                        | NP | NP | SP | P  |
| 54.Indoor amusement, fitness, or recreational place or place of assembly, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district | NP | NP | P  | P  |
| 55.Outdoor commercial clubs and/or recreational establishments or use such as swimming pools, tennis courts, ski clubs, camping areas, skating rinks or other commercial facilities offering outdoor recreation                           | SP | NP | P  | P  |

# TABLE OF BUSINESS USES, PT. 2

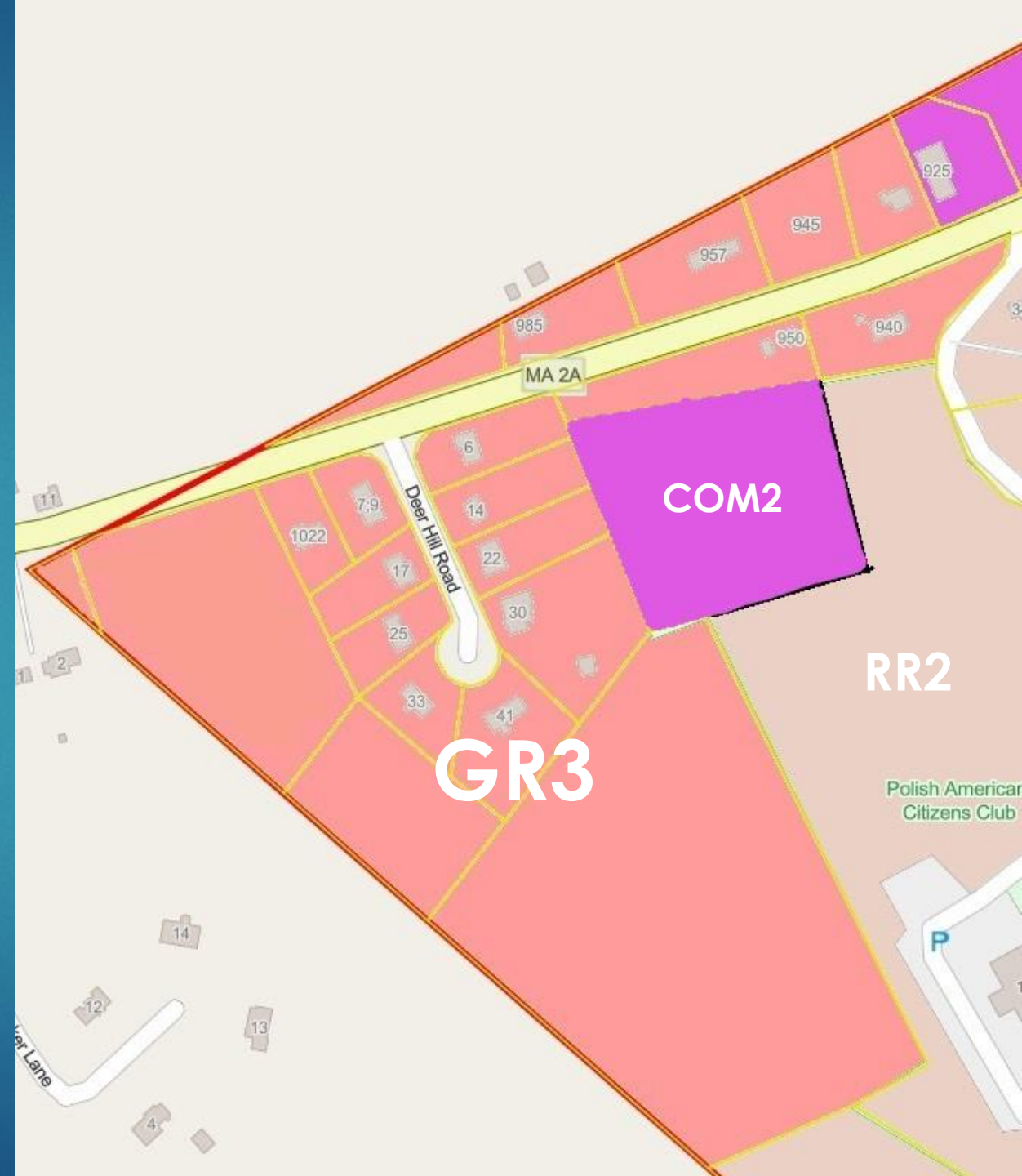
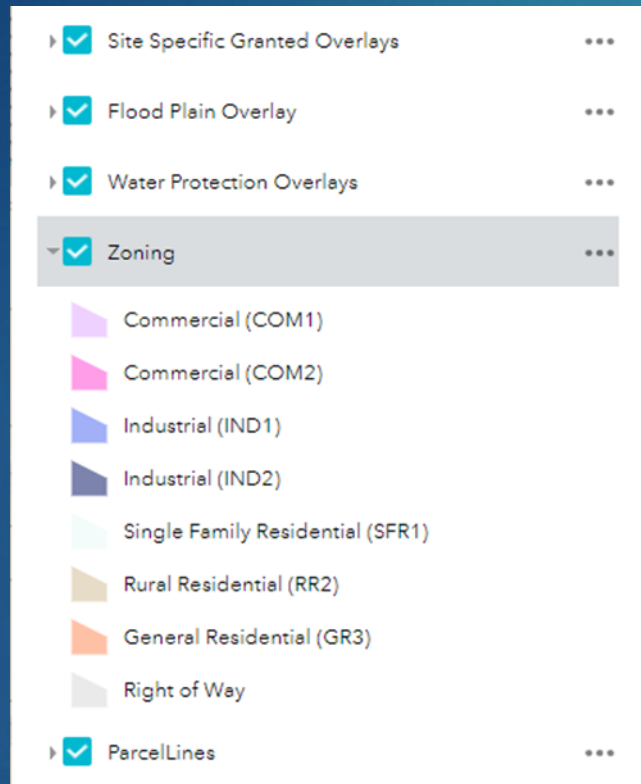


|                                                                                                                                                |    |    |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|
| 56.Public or commercial outdoor amusement or recreation use but not including outdoor drivein movie theater                                    | NP | NP | NP | P  |
| 57.Bus station or terminal or railroad station for passengers                                                                                  | NP | NP | P  | P  |
| 58.Transport terminal, warehouse distribution facility                                                                                         | NP | NP | NP | NP |
| 59.Contracting business and contractor's yard, including storage in the open <sup>1</sup>                                                      | NP | NP | NP | SP |
| 60.Drive-through or drive-in business and appurtenant structures for any permitted use, excluding fast-food restaurants and convenience retail | NP | NP | SP | SP |
| 61.Animal clinic or veterinary hospital                                                                                                        | SP | NP | NP | P  |
| 62.Pet day-care facility where no animals are kept overnight                                                                                   | NP | NP | NP | SP |
| 63. Commercial kennel                                                                                                                          | SP | NP | NP | NP |
| 64.Printing or publishing establishment                                                                                                        | NP | NP | P  | P  |
| 66.Licensed massage therapy establishment pursuant to MGL c. 112, § § 227 to 235                                                               | NP | NP | P  | P  |

# TABLE OF BUSINESS USES, PT. 3



# GR3 Zoning allows residential use with limited compatible businesses



And brings all parcels into conformity

# PRIVATE OVERSIGHT'S PROPOSED PROJECT:

## Project

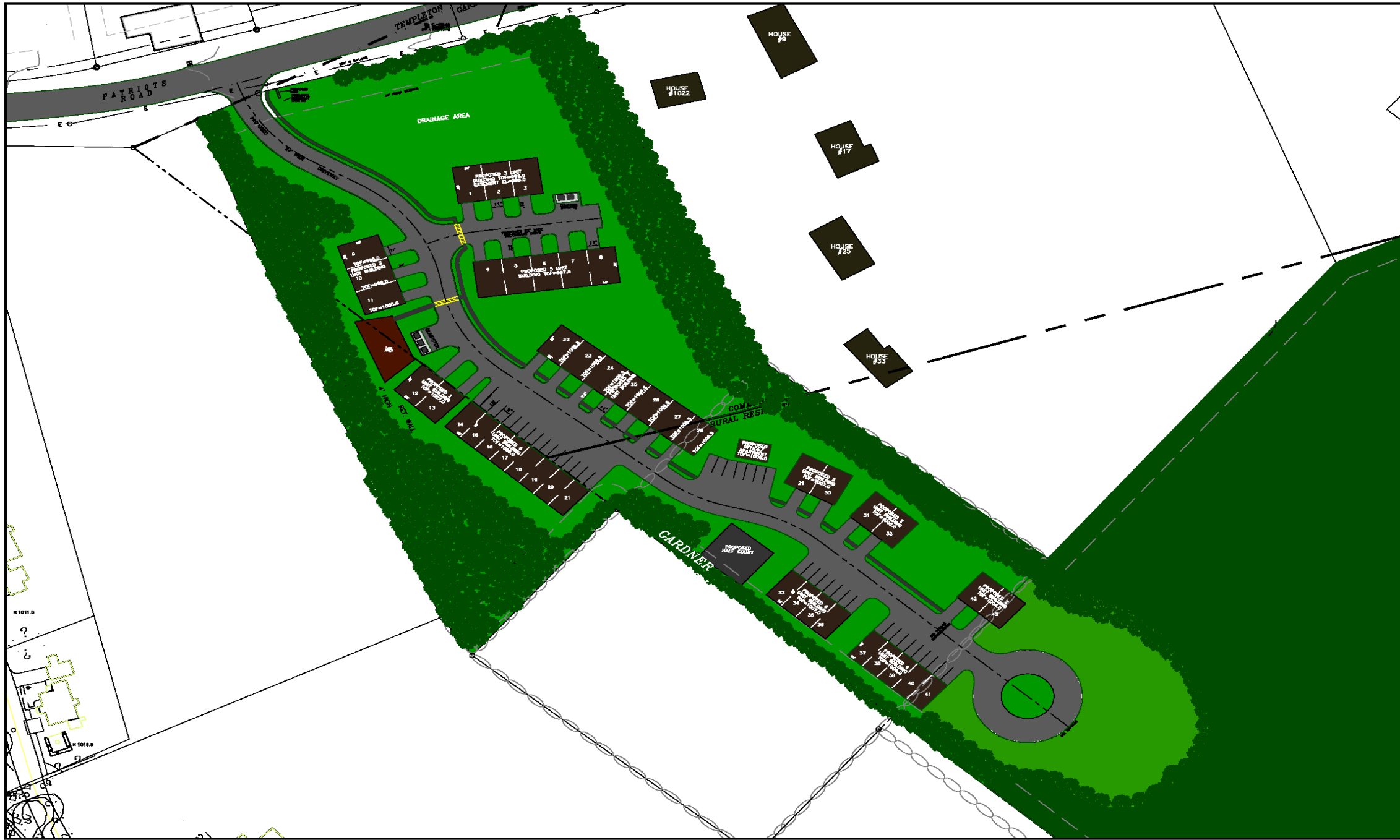
- 45 townhouse style residential units
- Construction in two phases
- Most Phase I units would be sold as condominiums
- Phase II Units would be retained as rental units
- Project maintains a 50' buffer with surrounding properties

## Oversight

- Special Permit Required
- Site Plan Review Required
- Gardner would maintain ability to reject, guide or limit project

## Benefits

- Increase of quality market-rate housing stock
- Additional housing units for young professionals, small families looking for their first home
- Elderly Gardner residents may downsize to a unit with less maintenance requirements
- Development of parcels that have been undevelopable due to zoning and access issues



**GRAZ Engineering, LLC**

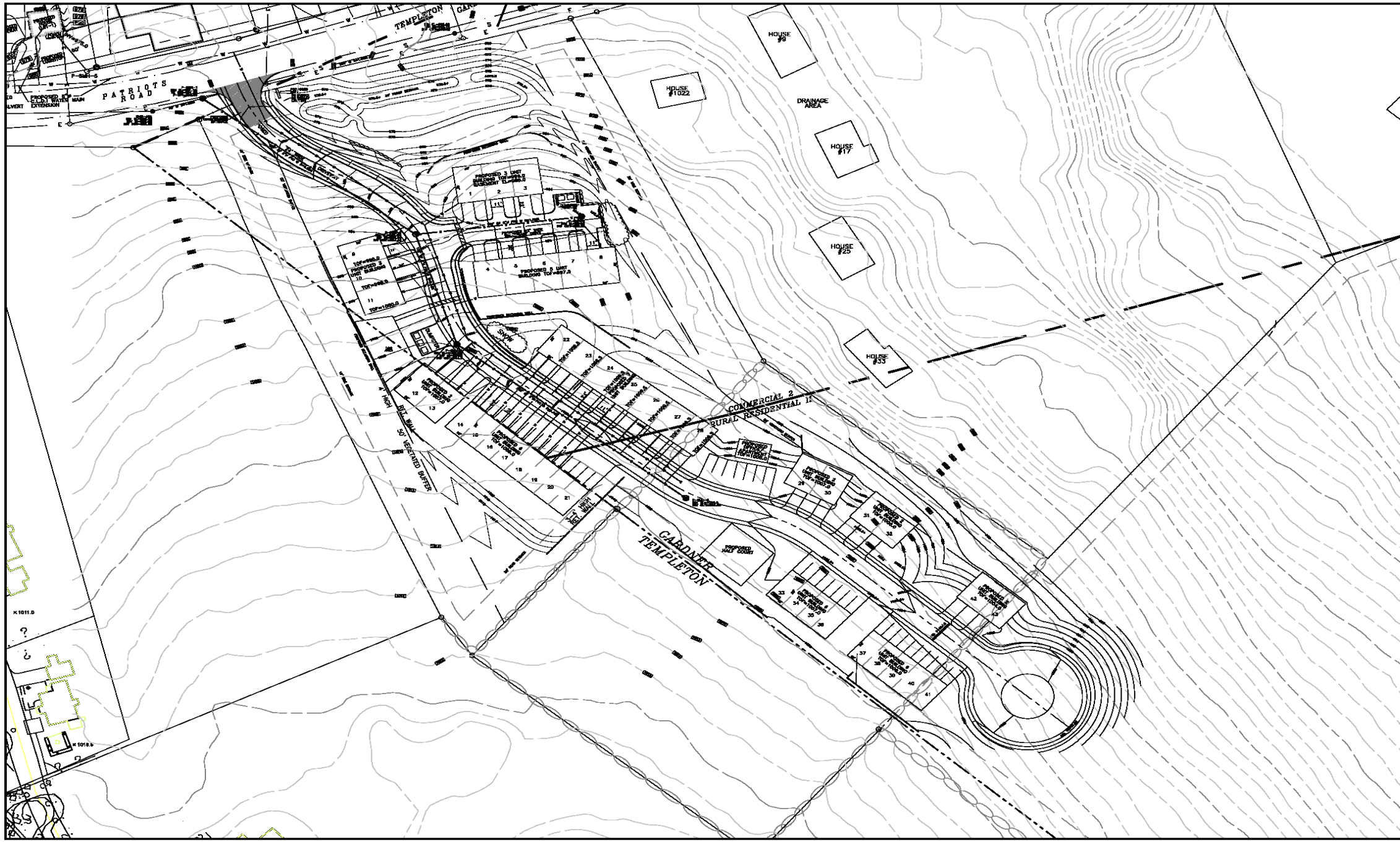
303 WEST LAKE ROAD, FITZELLHAM, NH 03447  
 TEL: (603) 886-6850  
 GRAZENGINEERING.COM

WEST BROADWAY CONDO DEVELOPMENT – PROPOSED SITE PLAN  
 WEST BROADWAY, GARDNER, MA (PARCEL-H17-7-1)

PREPARED FOR: PRIVATEOVERSIGHT, LLC

DATE: OCTOBER 3, 2022  
 DRAWN BY: T. FLETCHER  
 CHECKED BY: [blank]





**GRAZ Engineering, LLC**

303 WEST LAKE ROAD, FITZELLHAM, NH 03447  
 TEL: (603) 866-6650  
 GRAZENGINEERING.COM

WEST BROADWAY CONDO DEVELOPMENT – PROPOSED SITE PLAN  
 WEST BROADWAY, GARDNER, MA (PARCEL-H17-7-1)

PREPARED FOR: PRIVATEOVERSIGHT, LLC

DATE: MAY 24, 2022  
 DRAWN BY: T. FLETCHER  
 CHECKED BY: [blank]



Thank You!

Joanne Tavano, Mgr Private Oversight

Atty. Christine M. Tree





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

January 18, 2023

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: Notification regarding Free Cash Appropriation Proposals

Dear Madam President and Councilors,

I am writing with regard to the Administration's proposals for Free Cash Appropriations for the remainder of the fiscal year.

I have been very cautious with what has been presented this fiscal year, mainly due to uncertainty with regard to the cost of snow and ice removal and utility and fuel costs for the remainder of the year. In the FY2023 Budget, we budgeted \$300,000.00 for snow removal. To date, we have expended \$384,000.00, mainly due to the costs of salting and sanding the roads. Under the General Laws, Snow and Ice related expenditures are one of the two instances in which a municipality can deficit spend, due to the uncertainty of how the weather will be in a given year. The deficit will have to be brought whole with free cash at the end of the fiscal year.

As you are aware, Free Cash was certified at \$2,616,362.00. To date, a total of \$1,265,648.00 has either been approved or is currently pending before the City Council, leaving a balance of \$1,350,714.00.

While there are times where proposals will need to be put forward to cover needed expenditures due to time concerns in planning or grant matches, I am holding back on several different project proposals that would utilize Free Cash funds until we have a better idea of how the City will financially fare at the end of the winter. In the Administration's internal planning efforts, I am holding off on sending up \$900,000 worth of projects for this purpose. The remaining \$450,714.00 is being reserved for needed expenditures that have a time sensitive basis.

Once we have a better idea of how our winter expenditures have gone, likely in April, I plan to put forward all of the projects currently on hold before the City Council for consideration.

This is simply being done to take a more conservative and safe approach with the City's finances with costs fluctuating as frequently as they have been, while still planning for the City's future with improvements and upgrades.

Respectfully,

Michael J. Nicholson  
Mayor, City of Gardner



**City of Gardner - Executive Department****Mayor Michael J. Nicholson**

January 18, 2023

Hon. Elizabeth J. Kazinskas, Council President

And City Councilors

Gardner City Hall, Rm 121

95 Pleasant St

Gardner, MA 01440

RE: Free Cash Appropriation Request- Uptown Rotary Easement Costs

Dear Madam President and Councilors,

In working with the Massachusetts Department of Transportation ("MassDOT"), the City has begun the process of obtaining the easements needed to begin the work scheduled for the improvements to the Uptown Rotary, located at the intersections of Pearl, Elm, Green, Central Streets, and Woodland Avenue.

This appropriation request is being requested to compensate the abutters for the easements that are needed for the project.

A copy of the offer letters that have been sent out is attached.

This is being presented to the City Council now for review, but due to MassDOT requirements and regulations, the final vote on the matter cannot be approved until at least the February 21<sup>st</sup> Meeting of the City Council, to allow these abutters to provide final comments to MassDOT.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO THE ENGINEERING  
DEPT - CAPITAL IMPROVEMENT UPTOWN ROTARY ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Four Thousand Forty Dollars  
and No Cents (\$4,040.00) from Free Cash to the Engineering Dept. – Capital  
Improvement Uptown Rotary Account.

**Mayor**

---

**From:** Rob Oliva  
**Sent:** Wednesday, January 18, 2023 11:34 AM  
**To:** Mayor  
**Cc:** John Flick  
**Subject:** FW: Uptown Rotary Easement Takings

To add to my previous email, the total compensation for 7 temporary easements and 1 permanent easement is \$4,040. The breakdown by address is as follows:

| Parcel No    | type      | Area  | Compensation      | Property address   | parcel id |
|--------------|-----------|-------|-------------------|--------------------|-----------|
| TE-01        | temporary | 805   | \$191.00          | 16 Woodland Avenue | R27-17-25 |
| TE-03        | temporary | 765   | \$369.00          | 15 Green Street    | R27-17-25 |
| TE-04        | temporary | 2,472 | \$1,395.00        | 9 Green Street     | R27-17-10 |
| E-2          | permanent | 82    |                   |                    |           |
| TE-05        | temporary | 998   | \$449.00          | 12 Pearl Street    | R27-18-35 |
| TE-06        | temporary | 3,013 | \$903.00          | 22 Elm Street      | R27-17-5  |
| TE-09        | temporary | 210   | \$89.00           | 23 Elm Street      | R27-17-6  |
| TE-07        | temporary | 1,011 | \$517.00          | 13 Elm Street      | R27-17-7  |
| TE-11        | temporary | 255   | \$127.00          | 28 Central Street  | R27-17-13 |
| <b>Total</b> |           |       | <b>\$4,040.00</b> |                    |           |

Rob Oliva  
City Engineer | City of Gardner

---

**From:** Rob Oliva  
**Sent:** Wednesday, January 18, 2023 11:12 AM  
**To:** Mayor <Mayor@gardner-ma.gov>  
**Cc:** John Flick <jflick@flicklawgroup.com>  
**Subject:** Uptown Rotary Easement Takings

Good Morning,

Attorney Flick and I had a conference call with MassDOT last week prior to the offer letters going out to abutters. We were able to clarify the process of obtaining easements from property owners who did not donate them. The offer letters needed to be sent prior to action by the Council. They were sent last Friday, starting a 30 day period that owners can contact my office with questions or to request a different compensation amount. Once the 30 day period is up (2/12/23), the Council can vote on both the compensation and the taking.

To keep on track with the schedule MassDOT has in place to advertise the project (4/22/23) for construction, we need to get the Council vote at their meeting on 2/21/23. Recording the takings and issuing payment needs to happen by 3/14/23. I realize this is a very tight schedule, but without it we risk significant delay in the project. So, respectfully, I would request the takings (offer letters in the folder below) be placed on the Councils 2/21/23 agenda. I would be available for review with the Finance Committee prior to that council meeting.

**Mayor**

---

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Offer Letters

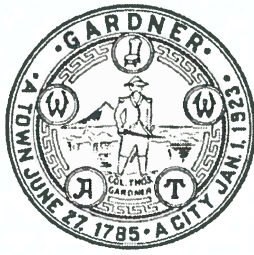
Please let me know if you need anything additional.

Regards,

Rob



Robert Oliva  
City Engineer | City of Gardner  
50 Manca Drive – Gardner, MA 01440  
Phone: 978-630-8195  
Email: [roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)



**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
 50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Rex Stark  
 16 Woodland Avenue  
 Gardner, MA 01440

RE: Uptown Rotary Reconstruction  
 Assessor's ID: R27-17-25

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
- Reconstruct traffic islands to guide the orderly flow of traffic
- New and improved crosswalk locations with button activated rectangular rapid flashing beacons for improved pedestrian safety
- Enhanced stormwater management

By letter dated July 15, 2022, the City notified you of how your property at 16 Woodland Avenue will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| Easement Parcel # | Area (S.F. +/-) | Easement Type |
|-------------------|-----------------|---------------|
| TE-01             | 805             | temporary     |
|                   |                 |               |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$191.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.

You have 30 days to consider the written offer and ask questions or seek clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time. Modifications in the proposed terms and conditions of the purchase may be requested. The agency will consider any reasonable requests that are made during negotiations.

Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

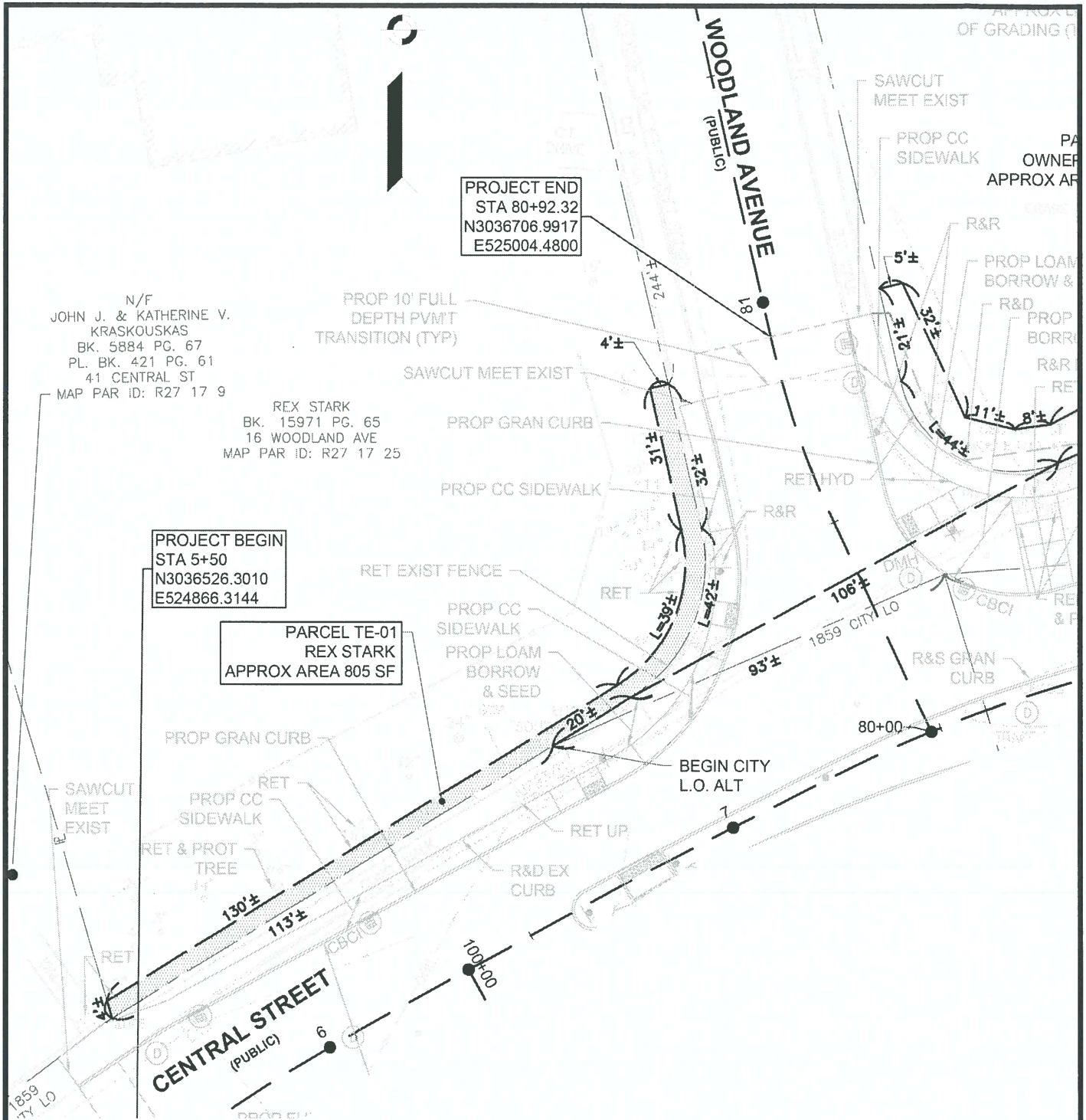
Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Oliva", with a long horizontal flourish extending to the right.

Robert E. Oliva  
City Engineer

Enclosures:   Property Easement Sketch  
                  Appraisal Summary Sheet  
                  Federal Aid Acquisition Guide for Property Owners





N/F  
JOHN J. & KATHERINE V.  
KRASKOUSKAS  
BK. 5884 PG. 67  
PL. BK. 421 PG. 61  
41 CENTRAL ST  
MAP PAR ID: R27 17 9

REX STARK  
BK. 15971 PG. 65  
16 WOODLAND AVE  
MAP PAR ID: R27 17 25

PROJECT BEGIN  
STA 5+50  
N3036526.3010  
E524866.3144

PARCEL TE-01  
REX STARK  
APPROX AREA 805 SF

**NOTE:**  
INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 6-22-2022.



CITY OF GARDNER  
ENGINEERING DEPARTMENT  
50 MANCA DRIVE  
GARDNER, MA

**PROPERTY EASEMENT SKETCH  
PARCEL TE-01  
16 WOODLAND AVE. - GARDNER**

SCALE: 1"=30'±

DATE: AUGUST, 2022

## JUST COMPENSATION REPORT

Information included in this Summary Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

**OWNER'S NAME:** Rex Stark

**MAILING ADDRESS:** P.O. Box 1029, Gardner, MA 01440

**CITY/TOWN:** Gardner

**F.A. PROJECT NO.:** T.B.D.

**PROJECT FILE #:** 609279

**PROPERTY LOCATION:** 16 Woodland Avenue, Gardner, MA 01440

**ASSESSOR'S IDENTIFICATION:** R27-17-25

**PROPERTY DESCRIPTION:** The affected property is currently improved with a single-family dwelling on the site that contains a total of 15,393 square feet of gross building area with finished living area of 7,390 square feet. The improvements were constructed in 1910 according to City records and are situated on a total land area of 51,836 square feet according to the deed. The property appears to be fully occupied. No records exist of any recent changes in use. The affected property is located in the Single Family Residential (SFR1) Zoning District. The interior of the building was not inspected.

| <i><u>Project Parcel No(s)</u></i> | <i><u>Land Area (SF)</u></i> | <i><u>Interest Acquired</u></i> |
|------------------------------------|------------------------------|---------------------------------|
| TE-01                              | 805                          | Temporary Easement              |

**JUST COMPENSATION  
SUMMARY REPORT  
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):  
**N/A**
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:  
**None**
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):  
**None**
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state):  
**None**
- (5) The Department's determination of Just Compensation is based on the following:
- (A) The Market Value of the property.
  - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
  - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
  - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$191**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) **Final estimate of value:** **\$191**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS





# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

## INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

## THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.



When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

## **FREQUENTLY ASKED QUESTIONS**

### **How will owners be contacted?**

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

### **How and when will impacted properties be acquired?**

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

**When can I expect payment?**

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

**How much will payment be?**

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

**What if the property owner is not satisfied with the amount of payment?**

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

**How soon will a project begin?**

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

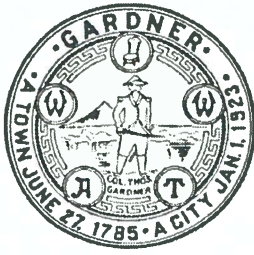
MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/leqreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.



**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
 50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Stanley K. Hill  
 24 Maple Street  
 Gardner, MA 01440

RE: Uptown Rotary Reconstruction  
 Assessor's ID: R27-17-25

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
- Reconstruct traffic islands to guide the orderly flow of traffic
- New and improved crosswalk locations with button activated rectangular rapid flashing beacons for improved pedestrian safety
- Enhanced stormwater management

By letter dated July 15, 2022, the City notified you of how your property at 15 Green Street will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| Easement Parcel # | Area (S.F. +/-) | Easement Type |
|-------------------|-----------------|---------------|
| TE-03             | 765             | temporary     |
|                   |                 |               |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$369.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.



You have 30 days to consider the written offer and ask questions or seek clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time. Modifications in the proposed terms and conditions of the purchase may be requested. The agency will consider any reasonable requests that are made during negotiations.

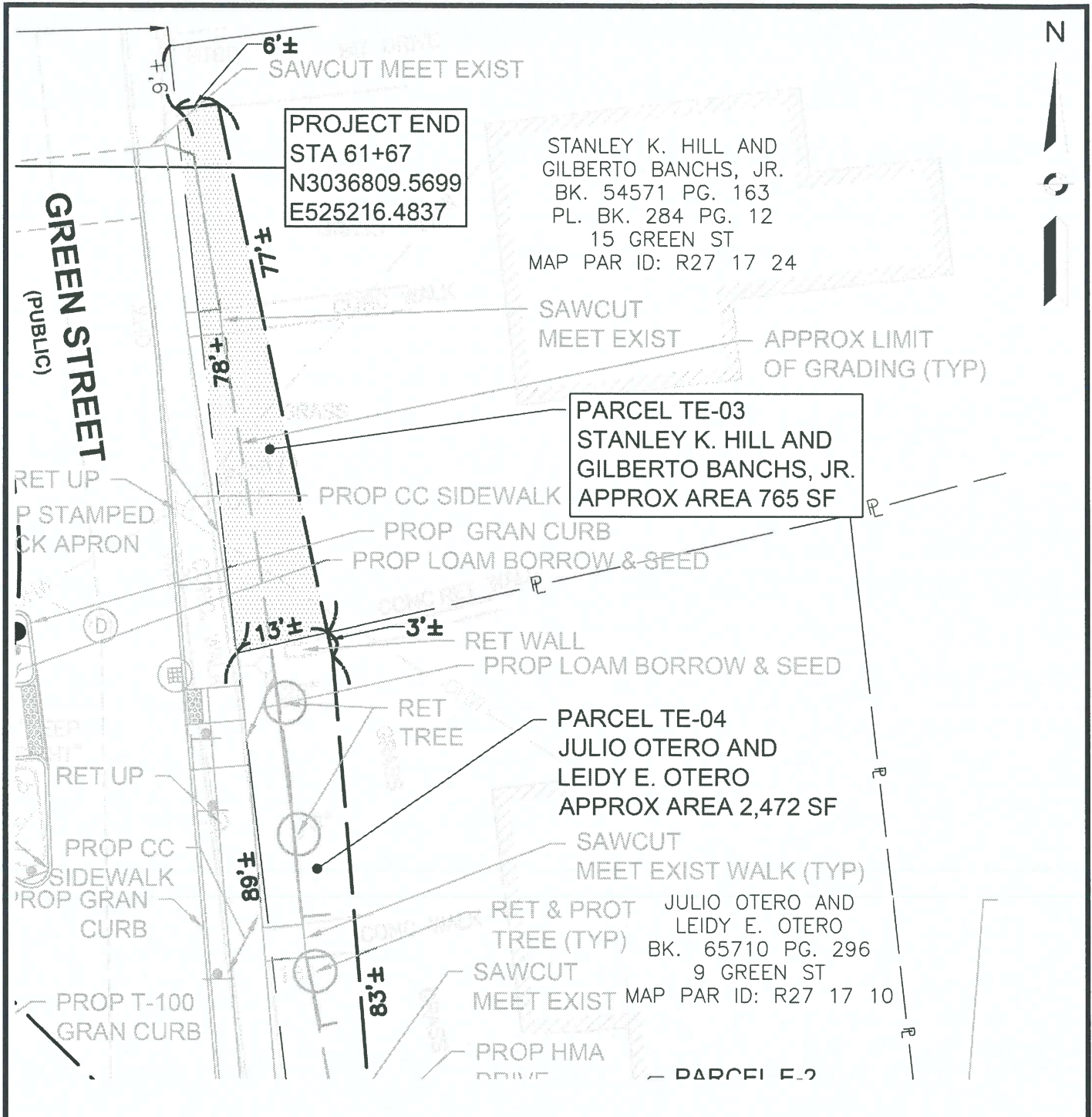
Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

Sincerely,

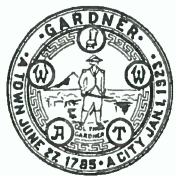
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Robert E. Oliva  
City Engineer

Enclosures:    Property Easement Sketch  
                  Appraisal Summary Sheet  
                  Federal Aid Acquisition Guide for Property Owners



NOTE:  
 INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 6-22-2022.



CITY OF GARDNER  
 ENGINEERING DEPARTMENT  
 50 MANCA DRIVE  
 GARDNER, MA

**PROPERTY EASEMENT SKETCH**  
**PARCEL TE-03**  
**15 GREEN STREET - GARDNER**

SCALE: 1"=20'±

DATE: AUGUST, 2022

## JUST COMPENSATION REPORT

Information included in this Summary Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law '91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

**OWNER'S NAME:** Stanley K. Hill & Gilberto Banchs, Jr.

**MAILING ADDRESS:** 15 Green Street, Gardner, MA 01440

**CITY/TOWN:** Gardner

**F.A. PROJECT NO.:** T.B.D.

**PROJECT FILE #:** 609279

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**ASSESSOR'S IDENTIFICATION:** R27-17-25

**PROPERTY DESCRIPTION:** The affected property is currently improved with a two-family dwelling on the site that contains a total of 6,724 square feet of gross building area with finished living area of 3,156 square feet. The improvements were constructed in 1790 according to City records and are situated on a total land area of 16,553 square feet according to the deed. The property appears to be fully occupied. No records exist of any recent changes in use. The affected property is located in the Single Family Residential (SFR1) Zoning District. The interior of the building was not inspected.

| <u><i>Project Parcel No(s)</i></u> | <u><i>Land Area (SF)</i></u> | <u><i>Interest Acquired</i></u> |
|------------------------------------|------------------------------|---------------------------------|
| TE-03                              | 765                          | Temporary Easement              |

**JUST COMPENSATION  
SUMMARY REPORT  
PAGE 2 OF 2**

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- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):  
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- (A) The Market Value of the property.
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# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS





# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

## INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

## THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

## **FREQUENTLY ASKED QUESTIONS**

### **How will owners be contacted?**

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

### **How and when will impacted properties be acquired?**

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

**When can I expect payment?**

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

**How much will payment be?**

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

**What if the property owner is not satisfied with the amount of payment?**

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

**How soon will a project begin?**

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

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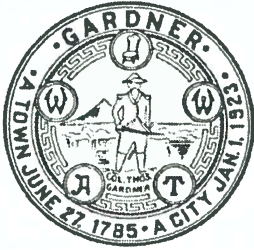
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**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
 50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gilberto Banchs, Jr.  
 15 Green Street  
 Gardner, MA 01440

RE: Uptown Rotary Reconstruction  
 Assessor's ID: R27-17-25

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
- Reconstruct traffic islands to guide the orderly flow of traffic
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By letter dated July 15, 2022, the City notified you of how your property at 15 Green Street will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| Easement Parcel # | Area (S.F. +/-) | Easement Type |
|-------------------|-----------------|---------------|
| TE-03             | 765             | temporary     |
|                   |                 |               |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$369.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.

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Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

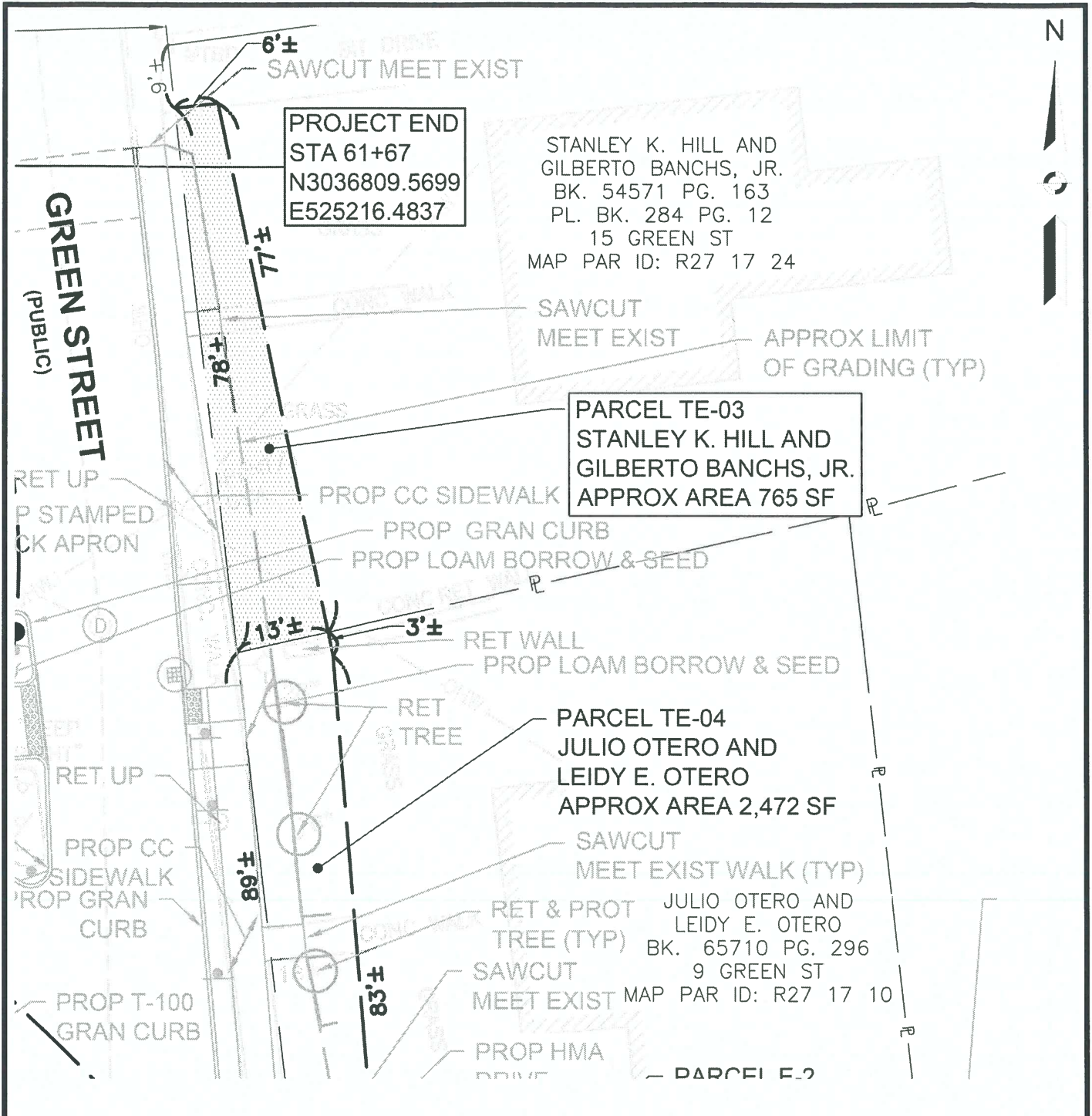
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City Engineer

Enclosures:    Property Easement Sketch  
                  Appraisal Summary Sheet  
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N



NOTE:

INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 6-22-2022.



CITY OF GARDNER  
 ENGINEERING DEPARTMENT  
 50 MANCA DRIVE  
 GARDNER, MA

**PROPERTY EASEMENT SKETCH**  
**PARCEL TE-03**  
**15 GREEN STREET - GARDNER**

SCALE: 1"=20'±

DATE: AUGUST, 2022

## JUST COMPENSATION REPORT

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**OWNER'S NAME:** Stanley K. Hill & Gilberto Banchs, Jr.

**MAILING ADDRESS:** 15 Green Street, Gardner, MA 01440

**CITY/TOWN:** Gardner

**F.A. PROJECT NO.:** T.B.D.

**PROJECT FILE #:** 609279

**PROPERTY LOCATION:** 15 Green Street, Gardner, MA 01440

**ASSESSOR'S IDENTIFICATION:** R27-17-25

**PROPERTY DESCRIPTION:** The affected property is currently improved with a two-family dwelling on the site that contains a total of 6,724 square feet of gross building area with finished living area of 3,156 square feet. The improvements were constructed in 1790 according to City records and are situated on a total land area of 16,553 square feet according to the deed. The property appears to be fully occupied. No records exist of any recent changes in use. The affected property is located in the Single Family Residential (SFR1) Zoning District. The interior of the building was not inspected.

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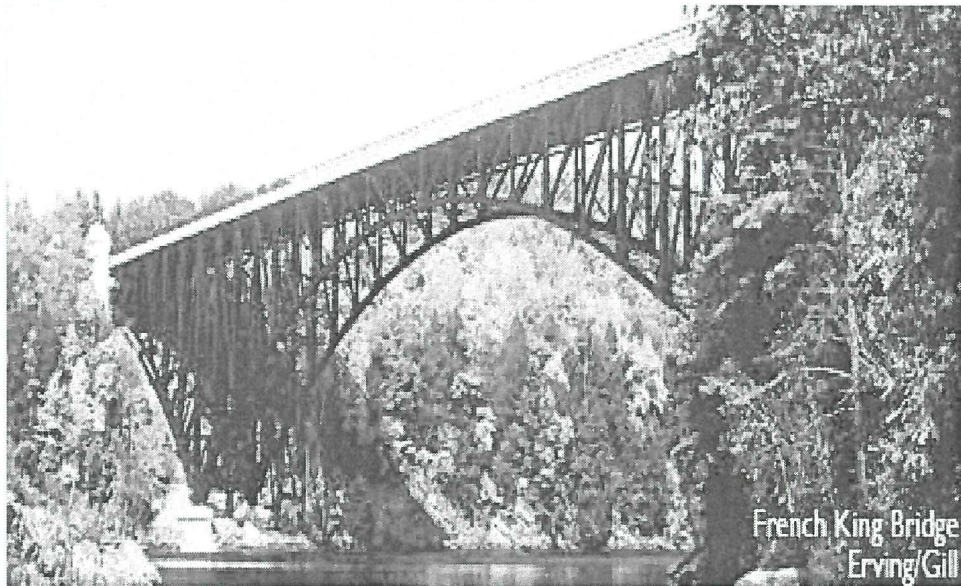


**JUST COMPENSATION  
SUMMARY REPORT  
PAGE 2 OF 2**

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Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

## **FREQUENTLY ASKED QUESTIONS**

### **How will owners be contacted?**

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

### **How and when will impacted properties be acquired?**



Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

**When can I expect payment?**

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

**How much will payment be?**

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

**What if the property owner is not satisfied with the amount of payment?**

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

**How soon will a project begin?**

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.



Please see link below:

<http://www.fhwa.dot.gov/hep/leqreg.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.



**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
 50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Workers Credit Union  
 815 Main St. - PO Box 8207  
 Fitchburg, MA 01420

RE: Uptown Rotary Reconstruction  
 Assessor's ID: R27-17-25

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
- Reconstruct traffic islands to guide the orderly flow of traffic
- New and improved crosswalk locations with button activated rectangular rapid flashing beacons for improved pedestrian safety
- Enhanced stormwater management

By letter dated July 15, 2022, the City notified you of how your property at 15 Green Street will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| Easement Parcel # | Area (S.F. +/-) | Easement Type |
|-------------------|-----------------|---------------|
| TE-03             | 765             | temporary     |
|                   |                 |               |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$369.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.

You have 30 days to consider the written offer and ask questions or seek clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time. Modifications in the proposed terms and conditions of the purchase may be requested. The agency will consider any reasonable requests that are made during negotiations.

Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

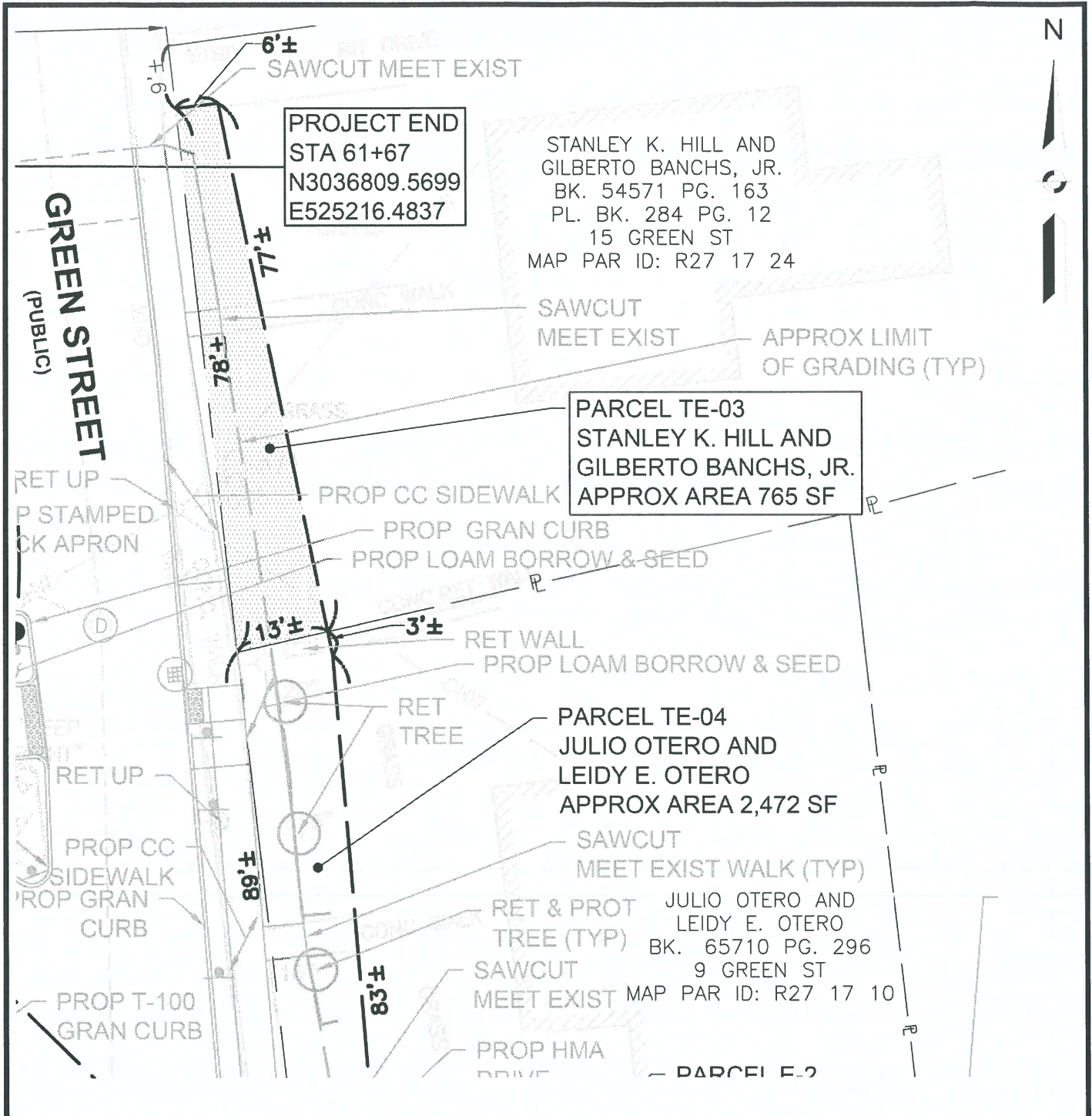
Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Oliva", with a long horizontal flourish extending to the right.

Robert E. Oliva  
City Engineer

Enclosures:   Property Easement Sketch  
                  Appraisal Summary Sheet  
                  Federal Aid Acquisition Guide for Property Owners

N



NOTE:  
 INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 6-22-2022.



CITY OF GARDNER  
 ENGINEERING DEPARTMENT  
 50 MANCA DRIVE  
 GARDNER, MA

**PROPERTY EASEMENT SKETCH**  
**PARCEL TE-03**  
**15 GREEN STREET - GARDNER**

SCALE: 1"=20'±

DATE: AUGUST, 2022

## JUST COMPENSATION REPORT

Information included in this Summary Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

**OWNER'S NAME:** Stanley K. Hill & Gilberto Banchs, Jr.

**MAILING ADDRESS:** 15 Green Street, Gardner, MA 01440

**CITY/TOWN:** Gardner

**F.A. PROJECT NO.:** T.B.D.

**PROJECT FILE #:** 609279

**PROPERTY LOCATION:** 15 Green Street, Gardner, MA 01440

**ASSESSOR'S IDENTIFICATION:** R27-17-25

**PROPERTY DESCRIPTION:** The affected property is currently improved with a two-family dwelling on the site that contains a total of 6,724 square feet of gross building area with finished living area of 3,156 square feet. The improvements were constructed in 1790 according to City records and are situated on a total land area of 16,553 square feet according to the deed. The property appears to be fully occupied. No records exist of any recent changes in use. The affected property is located in the Single Family Residential (SFR1) Zoning District. The interior of the building was not inspected.

| <i><u>Project Parcel No(s)</u></i> | <i><u>Land Area (SF)</u></i> | <i><u>Interest Acquired</u></i> |
|------------------------------------|------------------------------|---------------------------------|
| TE-03                              | 765                          | Temporary Easement              |



**JUST COMPENSATION  
SUMMARY REPORT  
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):  
**N/A**
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:  
**None**
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):  
**None**
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state):  
**None**
- (5) The Department's determination of Just Compensation is based on the following:
- (A) The Market Value of the property.
  - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
  - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
  - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$369**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) **Final estimate of value:** **\$369**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.

# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

## INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

## THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.



The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

## **FREQUENTLY ASKED QUESTIONS**

### **How will owners be contacted?**

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

### **How and when will impacted properties be acquired?**



Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

**When can I expect payment?**

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

**How much will payment be?**

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

**What if the property owner is not satisfied with the amount of payment?**

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

**How soon will a project begin?**

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

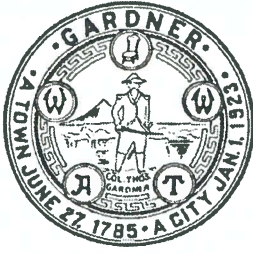
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Please see link below:

<http://www.fhwa.dot.gov/hep/legreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.



**ENGINEERING DEPARTMENT  
CITY OF GARDNER**

50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
Telephone (978) 630-8195  
roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Deanna Durante  
71 Rice Road  
Winchendon, MA 01475

RE: Uptown Rotary Reconstruction  
Assessor's ID: R27-17-25

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
- Reconstruct traffic islands to guide the orderly flow of traffic
- New and improved crosswalk locations with button activated rectangular rapid flashing beacons for improved pedestrian safety
- Enhanced stormwater management

By letter dated July 15, 2022, the City notified you of how your property at 15 Green Street will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| <b>Easement Parcel #</b> | <b>Area (S.F. +/-)</b> | <b>Easement Type</b> |
|--------------------------|------------------------|----------------------|
| TE-03                    | 765                    | temporary            |
|                          |                        |                      |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$369.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.

You have 30 days to consider the written offer and ask questions or seek clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time. Modifications in the proposed terms and conditions of the purchase may be requested. The agency will consider any reasonable requests that are made during negotiations.

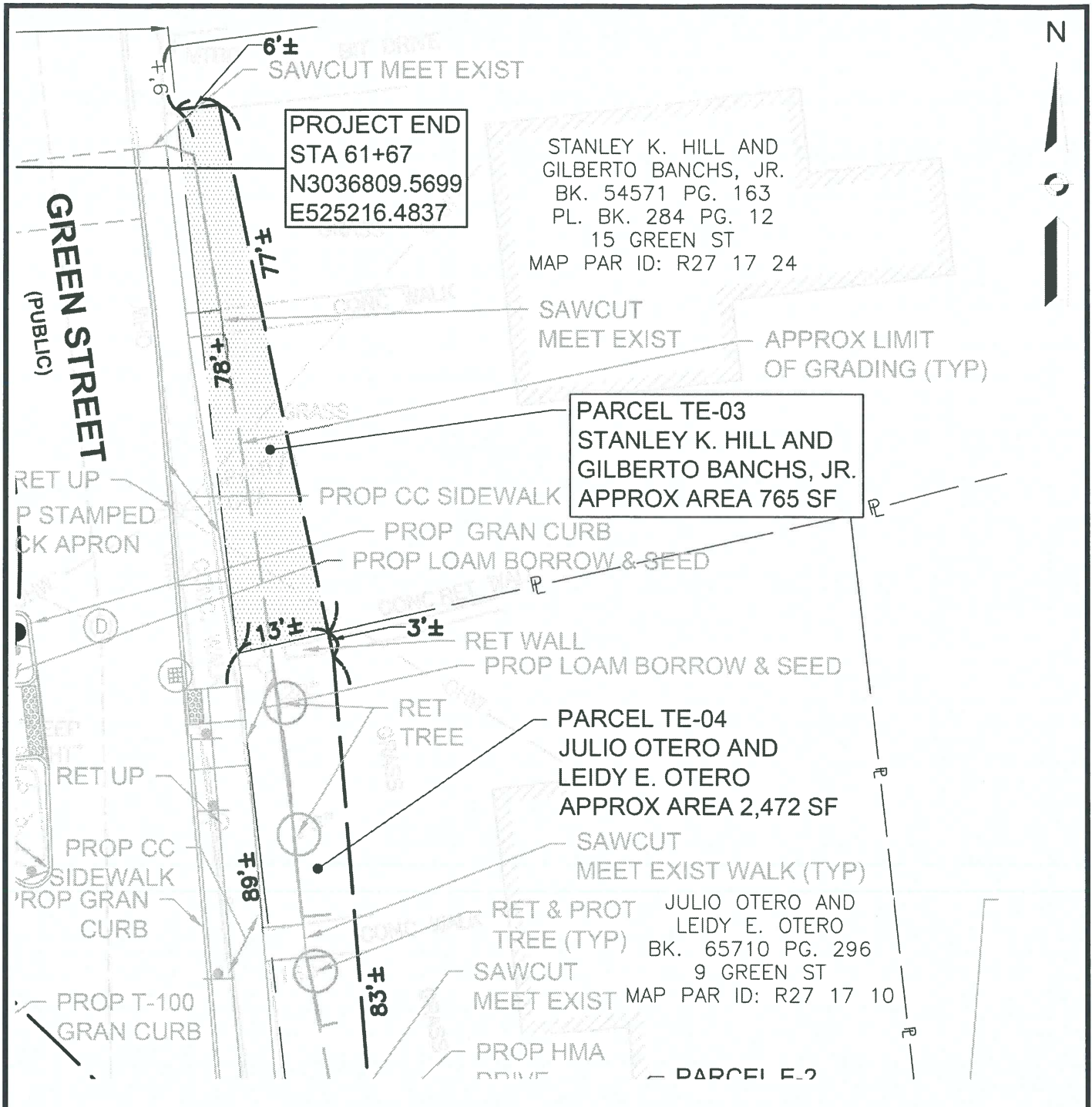
Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Oliva", with a long horizontal flourish extending to the right.

Robert E. Oliva  
City Engineer

Enclosures:    Property Easement Sketch  
                  Appraisal Summary Sheet  
                  Federal Aid Acquisition Guide for Property Owners



**NOTE:**  
 INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 6-22-2022.



CITY OF GARDNER  
 ENGINEERING DEPARTMENT  
 50 MANCA DRIVE  
 GARDNER, MA

**PROPERTY EASEMENT SKETCH**  
**PARCEL TE-03**  
**15 GREEN STREET - GARDNER**

SCALE: 1"=20'±

DATE: AUGUST, 2022



## JUST COMPENSATION REPORT

Information included in this Summary Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law '91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

**OWNER'S NAME:** Stanley K. Hill & Gilberto Banchs, Jr.

**MAILING ADDRESS:** 15 Green Street, Gardner, MA 01440

**CITY/TOWN:** Gardner

**F.A. PROJECT NO.:** T.B.D.

**PROJECT FILE #:** 609279

**PROPERTY LOCATION:** 15 Green Street, Gardner, MA 01440

**ASSESSOR'S IDENTIFICATION:** R27-17-25

**PROPERTY DESCRIPTION:** The affected property is currently improved with a two-family dwelling on the site that contains a total of 6,724 square feet of gross building area with finished living area of 3,156 square feet. The improvements were constructed in 1790 according to City records and are situated on a total land area of 16,553 square feet according to the deed. The property appears to be fully occupied. No records exist of any recent changes in use. The affected property is located in the Single Family Residential (SFR1) Zoning District. The interior of the building was not inspected.

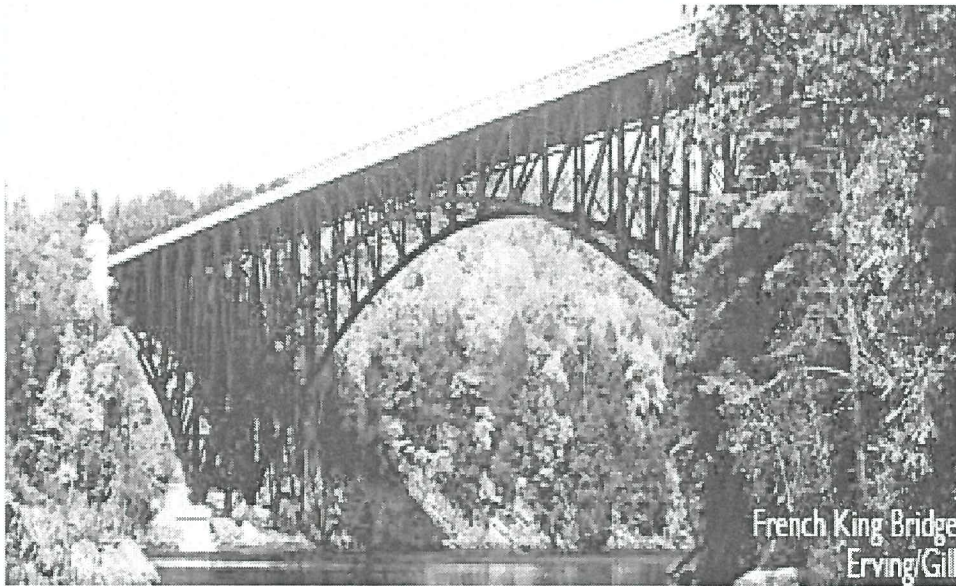
| <u>Project Parcel No(s)</u> | <u>Land Area (SF)</u> | <u>Interest Acquired</u> |
|-----------------------------|-----------------------|--------------------------|
| TE-03                       | 765                   | Temporary Easement       |

**JUST COMPENSATION  
SUMMARY REPORT  
PAGE 2 OF 2**

- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):  
**N/A**
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:  
**None**
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):  
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- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state):  
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- (5) The Department's determination of Just Compensation is based on the following:
- (A) The Market Value of the property.
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1st Mailing  
Mailed Out with Outreach Letter/  
Letter of Intent

# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS



# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

## INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

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- Answer the most frequently asked questions about the process.

## THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

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After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.



When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

Completed appraisals and review appraisals must comply with 49 CFR 24. Upon completion, the appraisals and review appraisals will be delivered to MassDOT's Community Compliance Officer to be reviewed for consistency with Federal funding requirements.

The municipality will determine the amount of just compensation to be paid to each owner based on the valuation prescribed by the appraisal, and prepare and deliver a written offer for the acquisition of the real property impacted by the proposed project. This offer will be delivered in person by a representative of the municipality, or sent by certified mail return receipt requested, and followed up with contact in person or by telephone.

The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.



The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

After the Select Board or City Council vote on the property acquisitions, award(s) of damages, the Order of Taking, other instruments of conveyance, and the plans, the acquisition documents will be recorded at the appropriate Registry of Deeds.

Property owners will be notified in writing of the acquisition(s) and the award of damages. Payment of the award must be tendered to the affected owners expeditiously after the recording at the Registry of Deeds.

The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

## **FREQUENTLY ASKED QUESTIONS**

### **How will owners be contacted?**

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

Following the initial contact described above, the property owner will be contacted by a Licensed Appraiser. The property owner may, and is encouraged to, accompany the Appraiser and provide that individual with relevant information that will assist them in their valuation of the property. The Appraiser must offer the owner the opportunity to accompany them on the property inspection.

### **How and when will impacted properties be acquired?**

Once all of the appraisals have been completed, and reviewed, and the award(s) of damages determined, the affected owners will be presented with a written offer of the amount of just compensation to be awarded. The written offer must be sent certified mailed return receipt requested or presented to affected owners at least thirty (30) days prior to a scheduled meeting of the Select Board or City Council to vote the property acquisitions and award(s) of damages. Once that meeting has occurred, the Order of Taking, describing the parcels to be acquired and the associated awards to be paid, is recorded, along with any relevant plans and instruments, at the appropriate Registry of Deeds. Owners will be notified that their property has been acquired by a "Notice of Taking", which will be sent to them immediately following the recording of the Order of Taking. The municipality has physical possession of the acquired parcels on the date that payment is tendered.

**When can I expect payment?**

Payment of the award(s) of damages must be tendered expeditiously after recording of the impacted parcels at the Registry of Deeds.

**How much will payment be?**

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

**What if the property owner is not satisfied with the amount of payment?**

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

**How soon will a project begin?**

After the property owner has received a written offer, a minimum of thirty (30) days later, the Select Board or City Council will meet to vote on the property acquisitions and award(s) of damages. Within thirty (30) days of that meeting the municipality must record the Order of Taking. After the recording at the Registry of Deeds, the municipality must prepare and submit completed ROW acquisition documents to the Community Compliance Officer assigned to the project to be reviewed for consistency and conformity with State and Federal regulations governing the acquisition process.

MassDOT's ROW Bureau will issue a ROW Certificate which certifies that all of the property interests necessary to construct the project have been acquired, and that the acquisition process complies with the Federal Uniform Act. The Federal Uniform Act requirements are critical whenever right-of-way is, or will be, required for a project. The Federal Uniform Act applies when Federal funds are used in any phase of a proposed project.

Please see link below:

<http://www.fhwa.dot.gov/hep/leqreq.htm#1>

Once the ROW Certificate has been issued, the project is eligible to be advertised for construction.

There are still many steps involved before construction gets started. After a project is advertised, construction will not begin until at least four months thereafter, and work may start substantially later, depending on many factors. The property owner is encouraged to contact their municipal officials with questions or concerns regarding the project and the anticipated schedule of activity. The municipality will have specific, updated information as the process advances.



**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
 50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Julio Otero & Leidy E. Otero  
 9 Green Street  
 Gardner, MA 01440

RE: Uptown Rotary Reconstruction  
 Assessor's ID: R27-17-10

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
- Reconstruct traffic islands to guide the orderly flow of traffic
- New and improved crosswalk locations with button activated rectangular rapid flashing beacons for improved pedestrian safety
- Enhanced stormwater management

By letter dated July 15, 2022, the City notified you of how your property at 9 Green Street will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| Easement Parcel # | Area (S.F. +/-) | Easement Type |
|-------------------|-----------------|---------------|
| TE-04             | 2472            | temporary     |
| E-2               | 82              | permanent     |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$1395.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.

You have 30 days to consider the written offer and ask questions or seek clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time. Modifications in the proposed terms and conditions of the purchase may be requested. The agency will consider any reasonable requests that are made during negotiations.

Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

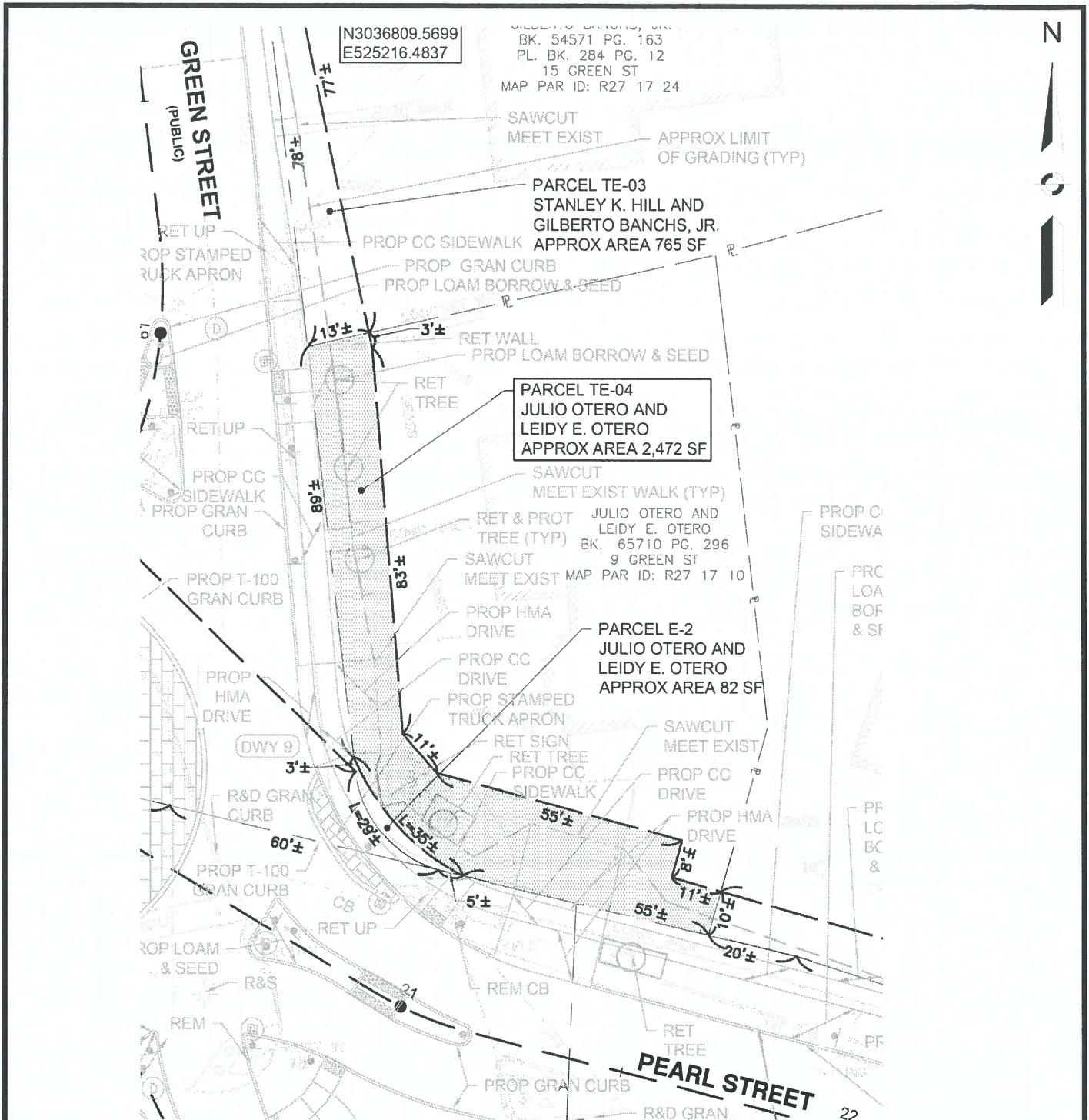
Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Oliva", with a long horizontal flourish extending to the right.

Robert E. Oliva  
City Engineer

Enclosures:   Property Easement Sketch  
                  Appraisal Summary Sheet  
                  Federal Aid Acquisition Guide for Property Owners





**NOTE:**  
INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 2-16-2022.



CITY OF GARDNER  
ENGINEERING DEPARTMENT  
50 MANCA DRIVE  
GARDNER, MA

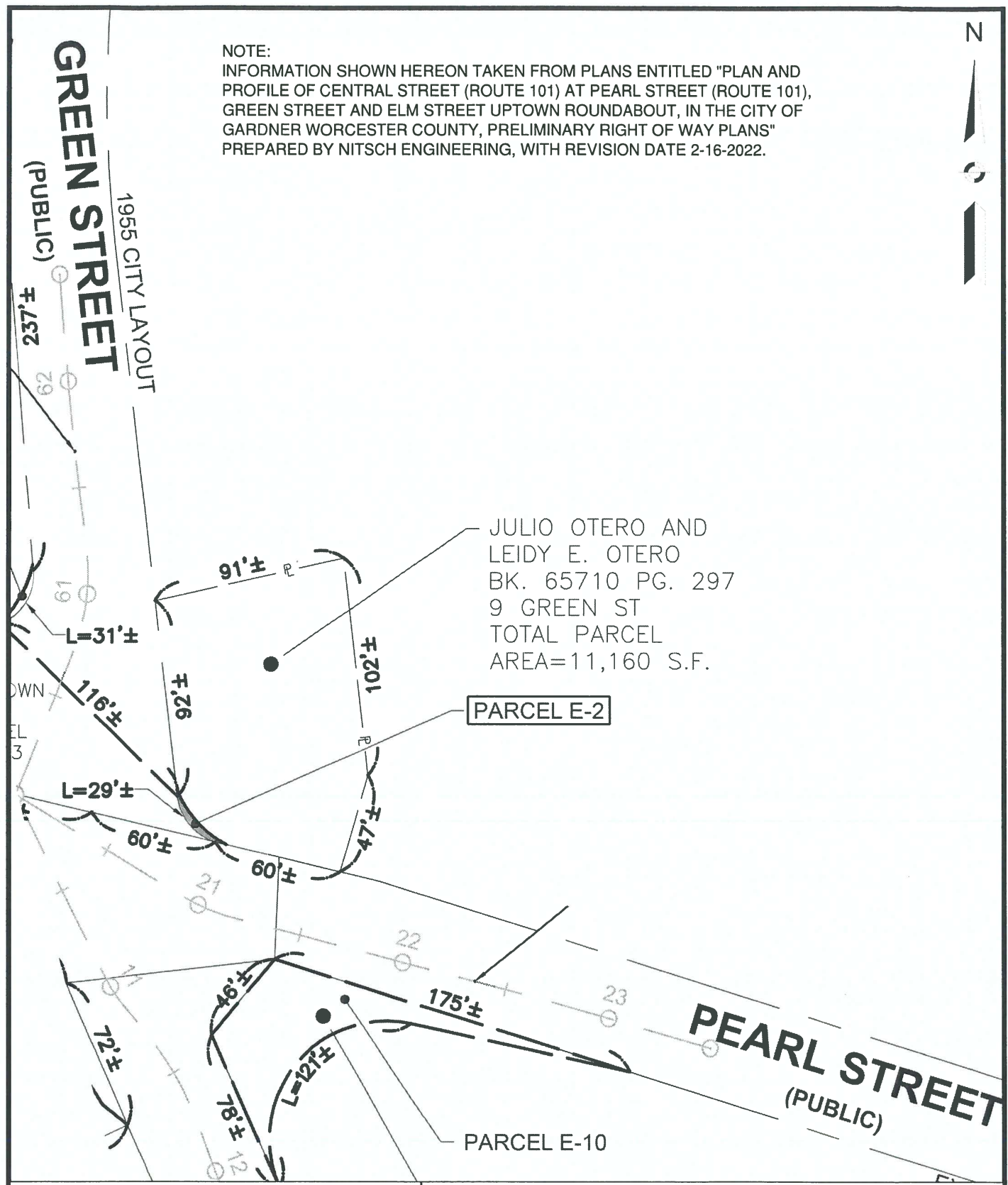
**PROPERTY EASEMENT SKETCH**  
**PARCEL TE-04**  
**9 GREEN STREET - GARDNER**

SCALE: 1" = 30'±

DATE: JULY, 2022



NOTE:  
INFORMATION SHOWN HEREON TAKEN FROM PLANS ENTITLED "PLAN AND PROFILE OF CENTRAL STREET (ROUTE 101) AT PEARL STREET (ROUTE 101), GREEN STREET AND ELM STREET UPTOWN ROUNDABOUT, IN THE CITY OF GARDNER WORCESTER COUNTY, PRELIMINARY RIGHT OF WAY PLANS" PREPARED BY NITSCH ENGINEERING, WITH REVISION DATE 2-16-2022.



JULIO OTERO AND  
LEIDY E. OTERO  
BK. 65710 PG. 297  
9 GREEN ST  
TOTAL PARCEL  
AREA=11,160 S.F.

**PARCEL E-2**

PARCEL E-10

**PEARL STREET**  
(PUBLIC)

**GREEN STREET**  
(PUBLIC)

1955 CITY LAYOUT

±.452

DOWN  
EL  
3



CITY OF GARDNER  
ENGINEERING DEPARTMENT  
50 MANCA DRIVE  
GARDNER, MA

**PROPERTY EASEMENT SKETCH  
PARCEL E-2  
9 GREEN STREET - GARDNER**

SCALE: 1"=60'±

DATE: JULY, 2022

## JUST COMPENSATION REPORT

Information included in this Summary Report is provided to the owner of real property who has interests in property acquired or to be acquired and shows (as required by Title III, Section 301 (3) of Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970") the basis for the amount established as just compensation.

**OWNER'S NAME:** Julio Otero & Leidy E. Ortero

**MAILING ADDRESS:** 9 Green Street, Gardner, MA 01440

**CITY/TOWN:** Gardner

**F.A. PROJECT NO.:** T.B.D.

**PROJECT FILE #:** 609279

**PROPERTY LOCATION:** 9 Green Street, Gardner, MA 01440

**ASSESSOR'S IDENTIFICATION:** R27-17-10

**PROPERTY DESCRIPTION:** The affected property is currently improved with a single-family dwelling on the site that contains a total of 3,510 square feet of gross building area with finished living area of 1,930 square feet. The improvements were constructed in 1965 according to City records and are situated on a total land area of 11,057 square feet according to City records. The property appears to be fully occupied. No records exist of any recent changes in use. The affected property is located in the Single Family Residential (SFR1) Zoning District. The interior of the building was not inspected.

| <i><b>Project Parcel No(s)</b></i> | <i><b>Land Area (SF)</b></i> | <i><b>Interest Acquired</b></i> |
|------------------------------------|------------------------------|---------------------------------|
| TE-04                              | 2,472                        | Temporary Easement              |
| E-2                                | 82                           | Permanent Easement              |

**JUST COMPENSATION  
SUMMARY REPORT  
PAGE 2 OF 2**

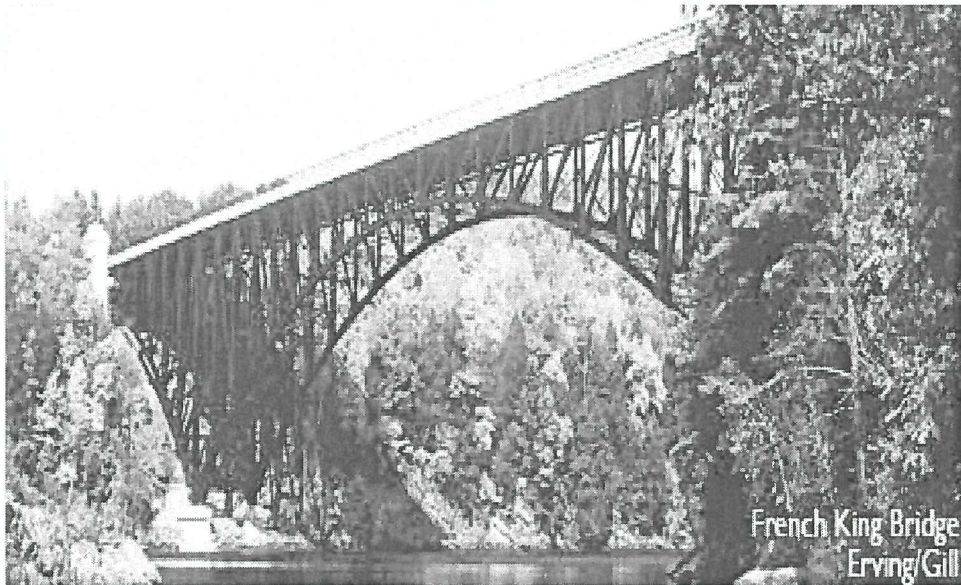
- (1) Separately held interest in the real property not being acquired in whole or in part (if applicable):  
**N/A**
- (2) Buildings, structures and other improvements, including fixtures, trade fixtures, and removable equipment in the building, which are considered to be part of the real property for which the offer of Just Compensation is made:  
**None**
- (3) Real property improvements, including fixtures not owned by the owner of the land (if none, so state):  
**None**
- (4) Types, and approximate quantity, of personal property located on the premises that is not being acquired, where the owner and/or tenant(s) are eligible for a Relocation Payment to relocate the personal property located on the premises being acquired (if not eligible, so state):  
**None**
- (5) The Department's determination of Just Compensation is based on the following:
- (A) The Market Value of the property.
  - (B) Just Compensation is not less than the approved appraisal of land damages, based on the interest acquired.
  - (C) Just Compensation disregards any decrease or increase in the Market Value of the property prior to acquisition caused by the project for which the property is being acquired.
  - (D) In the case of separately held interests in the real property, the apportionment of the total Just Compensation for each of those interests has been considered.
- (6) Estimate of value: **\$1,395**
- (7) Damages to the remaining real property: (if none, so state) **None**
- (8) **Final estimate of value:** **\$1,395**
- (9) The amount of Just Compensation has been established through the use of acceptable principle applicable to the appraisal of real estate, by considering the three (3) approaches to value, namely the Cost Approach, the Sales Comparison Approach, and the Income Approach.



1st Mailing

Mailed Out with Outreach Letter/  
Letter of Intent

# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS





# FEDERAL AID ACQUISITION GUIDE FOR PROPERTY OWNERS

## INTRODUCTION

The purpose of this Guide is to summarize the land acquisition process, including eminent domain, for public projects funded partially or wholly with federal money for property owners affected by the land acquisition process. The term eminent domain and the process itself may be intimidating to some property owners. The objective of this Guide is to accomplish five objectives:

- Explain the land acquisition process.
- Explain the eminent domain procedure.
- Inform property owners of their rights.
- Address property owner concerns and allow them to know they have a voice in the process.
- Answer the most frequently asked questions about the process.

## THE LAND ACQUISITION PROCESS

Frequently, when the construction, relocation or modification of a bridge, road, rail trail or scenic byway is determined necessary for a public purpose, a municipality must acquire property interests from private property owners. There are a number of ways in which a municipality may obtain the needed property rights for the construction of a project. In most cases, either Town Meeting or a City Council has authorized the acquisitions. The property rights may be obtained voluntarily, through a certificate of donation, or through the process of eminent domain, where the municipality obtains an appraisal of the property interest and pays just compensation in accordance with the appraisal.

The process commences with the development of a design for the project, and a public hearing held by MassDOT. MassDOT public hearings are held to obtain public input in governmental decision-making and provide a forum for the exchange of ideas during the official presentation of a proposed project. Project information, including design plans, are available to attendees at the public hearing. Members of the public have the opportunity to comment on the proposal being presented. A ROW Community Compliance Officer is in attendance at the public hearing to discuss potential impacts to property owners. All comments are carefully considered before the determination of the final design for a project is made.

After the public hearing, the design of the project is finalized and preliminary right-of-way plans are advanced to the next design stage. The right-of-way plans show the properties that will be impacted by the proposed project, and what property interests the municipality may need to acquire for construction purposes.

When right-of-way plans are sufficient for ROW acquisition purposes, the municipality's Right of Way Representative will contact each affected property owner to arrange a meeting. At this meeting, a representative of the municipality will show the owner the right-of-way plans, discuss the potential impacts, and explain that they are entitled to an appraisal, to accompany the appraiser and just compensation as part of the property acquisition process. If a meeting cannot be arranged that accommodates the property owner's schedule, the information will be sent certified mail return receipt requested to the property owner.

The right-of-way plans help show the property owners why and how the property interests are being acquired. There are different types of acquisitions that may impact the owner's property. The municipality's Right of Way Representative will explain the different types of acquisitions, and explain how the property will be affected by the project being proposed.

Property owners may wish to donate their parcels for the project's construction. To facilitate a donation the municipality must explain the acquisition process and inform the property owner of their right to have the municipality appraise their property, the right to accompany the appraiser and the right to receive just compensation for their property. The property owner may waive their rights to an appraisal and just compensation if they wish to donate and sign a Certificate of Donation stating that they waive their aforementioned rights. In order to be in compliance with the Federal Uniform Act, there can be no attempt by the municipality or its representatives to coerce property owners into reaching an agreement.

If the process requires an appraisal, the municipality will hire and assign a Certified General Appraiser and Certified General Review Appraiser to assist in determining the amount of just compensation an owner will be paid. The Appraiser will contact the owner, and will welcome any information the owner can provide regarding the property. The assigned Appraiser must offer the property owner an opportunity to accompany them during the inspection of the impacted property.

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The written offer will consist of a written summary that includes the following information:

- The amount offered as just compensation.
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- Identification of buildings and other improvements that are considered to be real property.
- The date of the appraisal.

The municipality must allow the property owner a minimum of thirty (30) days to consider the written offer, ask questions, or seek clarification of anything that is not understood, before a meeting is held by the Select Board or City Council to vote upon the property acquisitions and award(s) of damages.

If the owner believes that all relevant material was not considered during the appraisal, they may present such information during this thirty (30) day period. The municipality's Right of Way Representative should contact the property owner again during this time to see how the property owner feels about the offer. The municipality will attempt to accommodate reasonable requests that are made up until and during the Select Board or City Council meeting.

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The eminent domain process is as unique and varied as the municipality that implements its procedures; however, those procedures are regulated by Massachusetts General Laws. The acquiring municipality must certify that they have followed the required guidelines to assure consistency when acquiring property for a proposed project.

## **FREQUENTLY ASKED QUESTIONS**

### **How will owners be contacted?**

When a MassDOT construction project is proposed for funding, the municipality accepts the responsibility to acquire the necessary rights for the construction and implementation of that project.

A representative from the municipality will contact each affected owner regarding the proposed impacts to their property. This individual will present the owner with ROW plans and discuss the potential impacts to the property. This communication may also, by necessity, take place by certified mail return receipt requested and/or telephone. The ROW plans are subject to change up until the time the plans are voted by the Select Board or City Council. The owner will be notified of any changes or revisions impacting their property.

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### **How and when will impacted properties be acquired?**

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**How much will payment be?**

The amount of compensation an affected property owner will be paid is determined by the municipality based on the appraisal that was completed by the Appraiser and Review Appraiser that are hired by the municipality.

**What if the property owner is not satisfied with the amount of payment?**

A property owner who is not satisfied with the amount of the award of damages may present additional information to be considered by the municipality that could influence the value. If a property owner is still not satisfied with the amount of payment after the order of taking is filed they may bring suit against the municipality for up to three (3) years from the date of the recording of the Order of Taking.

Matters of compensation should be addressed with the officials in your municipality.

**How soon will a project begin?**

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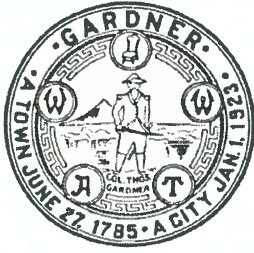
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**ENGINEERING DEPARTMENT**  
**CITY OF GARDNER**  
 50 Manca Drive, Gardner MA 01440

Robert E. Oliva, City Engineer  
 Telephone (978) 630-8195  
 roliva@gardner-ma.gov

January 13, 2023

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

MERS  
 585 South Blvd E.  
 Pontiac, MI 48341

RE: Uptown Rotary Reconstruction  
 Assessor's ID: R27-17-10

Dear Titleholder,

The City of Gardner (City) in conjunction with the Massachusetts Department of Transportation, Highway Division (MassDOT) is improving multimodal access, safety and operations at the Uptown Rotary intersecting Elm Street, Pearl Street, Green Street, Woodland Avenue, and Central Street. The Project will include the following:

- The construction of sidewalks on all streets entering the rotary
- Provide accessible ADA accommodations
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- Enhanced stormwater management

By letter dated July 15, 2022, the City notified you of how your property at 9 Green Street will be affected. The proposed temporary and/or permanent easement, or fee interest acquisition includes:

| Easement Parcel # | Area (S.F. +/-) | Easement Type |
|-------------------|-----------------|---------------|
| TE-04             | 2472            | temporary     |
| E-2               | 82              | permanent     |

Public records indicate that you are the owner of the above-referenced parcel. The City is offering you the sum of **\$1395.00** for the temporary/permanent easement.

This value is based on a professional appraisal made by a qualified appraiser to determine the fair market value of your property plus damages to the remainder, if any. The appraised value was reviewed by our reviewing appraisers to assure that you will receive just compensation for your property. The basis for the value set forth is summarized on the attached Appraisal Summary Sheet.

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Enclosed is a brochure explaining ROW acquisition. If you have any questions concerning the construction or acquisition details or the ROW plans, please contact me at the number included above. Any amount of damages set forth herein is subject to appropriation by the City of Gardner City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Oliva", with a long horizontal flourish extending to the right.

Robert E. Oliva  
City Engineer

Enclosures:    Property Easement Sketch  
                  Appraisal Summary Sheet  
                  Federal Aid Acquisition Guide for Property Owners



**City of Gardner - *Executive Department***  
**Mayor Michael J. Nicholson**

---

January 25, 2023

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: Bond Order Authorization Request

Dear Madam President and Councilors,

As you are aware, the City has been awarded funding for the reconstruction of the Airport Runway at the Gardner Municipal Airport.

Per the City's Financial Policies and Procedures, the total amount of the project has to be bonded, and then paid off when the grant funding comes in.

This helps the City close our books at the end of the fiscal year if any of the funding for the project has not yet been reimbursed by either the Federal or State Government yet.

Without this procedure being done, any outstanding funds would be deducted from the City's free cash at the end of the year. This helps insulate the City from that happening and allows us to keep our books for the project in a cleaner and separate fashion.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

BOND ORDER NO. \_\_\_\_\_

IN CITY COUNCIL

\_\_\_\_\_, 2023

A BOND ORDER TO PAY COSTS OF VARIOUS AIRPORT CAPITAL IMPROVEMENTS

BE IT ORDERED, BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

That there be raised and appropriated the sum of Five Million Three Hundred Eighty Thousand Dollars (\$5,380,000) to pay costs of airport capital improvements, including, but not limited to, (i) designing and reconstructing runway 18/36, (ii) rehabilitating taxiway A; (iii) shifting/reconfiguring taxiway D; (iv) installation of NAVAID – runway 36; (v) install NAVAID runway 18 REILS; (vi) installation of an airfield electrical vault; (vii) installation of a lighted wind cone; (viii) replacement of airfield guidance signs, (ix) obstruction removal for runway 36 approach, and (x) the payment of all other costs incidental and related to each of the foregoing, and to meet this appropriation, the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §8(12), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to accept and expend any federal or state grants that may be available to the City on account of the projects described above. The amount authorized to be borrowed pursuant to this loan order shall be reduced to the extent of any federal or Commonwealth grants received by City on account of the projects approved by this vote.

**Mayor**

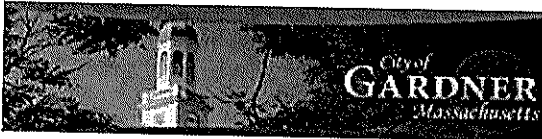
**From:** John Richard  
**Sent:** Tuesday, January 24, 2023 2:27 PM  
**To:** Jennifer Dymek  
**Cc:** Mayor  
**Subject:** Airport Runway Project-BAN Order  
**Attachments:** 06-AIP-021-2022-Runway-18-36-Standard-Contract-FE.pdf; GDM-NEG-3-25-0020-021-2022-Grant Agreement (part 1) - signed.pdf

Hi Jen

The Airport runway project will be starting in the next couple of months. Can you generate the order to BAN the entire project amount. \$5,380,000 We will not have to borrow any of it. Just helps us at year end with any deficits the BAN will cover them so free cash isn't effected. Funding breakdown is below and I attached the State and Fed signed Grant agreements. Let me know if you need anything else or have questions. Ty.

|                  | MUNIS ACCT #      |                 |
|------------------|-------------------|-----------------|
| FAA SHARE 90%    | 27482-58602-48222 | \$ 4,842,000.00 |
| STATE SHARE 7.5% | 28482-58602-48222 | \$ 403,500.00   |
| CITY SHARE 2.5%  | 38482-58602-48222 | \$ 134,500.00   |
|                  | TOTAL             | \$ 5,380,000.00 |

John Richard  
City Auditor



95 Pleasant Street, Room 114  
Gardner, MA 01440-2630  
978-632-1900 ext 8020





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

January 12, 2023

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: Free Cash Appropriation Request- Airport Runway Resurfacing Project

Dear Madam President and Councilors,

The City was recently awarded grants from both the Federal and State governments for the purpose of undergoing a full reconstruction of the runway at the Gardner Municipal Airport.

The City received \$4,842,000.00 from the Federal Aviation Administration. The Commonwealth's Department of Transportation also provided an additional \$403,500.00 for this project.

The attached free cash request is for the City's share of the project - \$134,500.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO FAA AIRPORT  
RUNWAY AND TAXIWAY SYSTEM – CITY PORTION.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Thirty-Four  
Thousand Five Hundred Dollars and No Cents (\$134,500.00) from Free Cash to the FAA  
Airport Runway and Taxiway System - City Portion.



Charles D. Baker, Governor  
 Karyn E. Polito, Lieutenant Governor  
 Jamey Tesler, Secretary & CEO  
 Jeffrey DeCarlo, Administrator



10881

## NOTICE OF AWARD

November 16, 2022

Mayor Michael J. Nicholson  
 City of Gardner  
 95 Pleasant Street  
 Gardner, MA 01440

Re: MassDOT Aeronautics Division Grant Award Notification – Gardner Municipal Airport

Dear Mayor Nicholson:

The Massachusetts Department of Transportation (MassDOT) Aeronautics Division is pleased to inform the airport, that the Aeronautics Administrator, Dr. Jeffrey DeCarlo, has authorized the award of a state grant to your airport for the following project:

|                        |                                                                                                                                                   |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Airport:               | <i>Gardner Municipal Airport</i>                                                                                                                  |
| Date of Award:         | <i>11/16/2022</i>                                                                                                                                 |
| Project Name:          | <i>Reconstruct, Mark, Light and Sign Runway 18-36 &amp; Taxiway A</i>                                                                             |
| Project Number:        | <i>AIP-No-3-25-0020-021-2022</i>                                                                                                                  |
| MMARS Number:          | <i>F7720212022GDMRW1836</i>                                                                                                                       |
|                        | <i>\$403,500.00, scheduled as:</i>                                                                                                                |
| Grant Amount:          | <ul style="list-style-type: none"> <li><i>State Fiscal Year 2023: \$338,250.00</i></li> <li><i>State Fiscal Year 2024: \$65,250.00</i></li> </ul> |
| Grant Expiration Date: | <i>06/30/2024</i>                                                                                                                                 |

The state share of this project includes 7.5% funding from MassDOT Aeronautics Division where in this is a one-time increase over our standard share of 5% where there is 90% funding provided by the FAA. Standard Contracts will be sent via email at a later date.

All work must be completed on or before June 30, 2024 regardless of grant expiration date (invoicing does not need to be completed until mid-to-late July). The Aeronautics Division will announce the deadline for payment vouchers (PV) in July.

If State Fiscal Year amount(s) shown above are incorrect or have changed after this project has been awarded, you must contact the Aeronautics Division no later than May 1, 2023.

If you have any questions concerning this matter, please call me at 857-368-6851.

Sincerely,

*Owen Silbaugh*

Digitally signed by Owen K. Silbaugh, Jr.  
 Date: 2022.11.16 15:39:13 -05'00'

Owen Silbaugh  
 Director of Airport Engineering

cc: Airport



U.S. Department  
of Transportation  
Federal Aviation  
Administration

Airports Division  
New England Region  
CT, ME, MA, NH, RI, & VT

Airports Division (ANE-600)  
1200 District Avenue  
Burlington, MA 01803

August 8, 2022

The Honorable Michael J. Nicholson  
Gardner Municipal Airport  
95 Pleasant St.  
Room 226  
Gardner, MA 01440

Dear Mayor Nicholson:

The Grant Offer for Airport Improvement Program (AIP) Project No. 3-25-0020-021-2022 at Gardner Municipal Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the grant offer carefully.

**You may not make any modification to the text, terms or conditions of the grant offer.**

***Steps You Must Take to Enter Into Agreement.***

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized **no later than September 7, 2022.**
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

**Payment.** Subject to the requirements in 2 CFR § 200.305 (Federal Payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

**Project Timing.** The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date (1,460 days from the grant execution

3-25-0020-021-2022

date). We will be monitoring your progress to ensure proper stewardship of these Federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in "inactive" status if you do not make draws on a regular basis, which will affect your ability to receive future grant offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

**Reporting.** Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
  1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
  2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit [FAA Form 5100-140, Performance Report](#) within 30 days of the end of the Federal fiscal year.
- For construction projects, you must submit [FAA Form 5370-1, Construction Progress and Inspection Report](#), within 30 days of the end of each Federal fiscal quarter.

**Audit Requirements.** As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

**Closeout.** Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

**FAA Contact Information.** Barry Hammer, (781) 238-7625, [barry.hammer@faa.gov](mailto:barry.hammer@faa.gov) is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Gail Lattrell (Aug 8, 2022 11:06 EDT)

Gail Lattrell

Director



## Chapter 171. Personnel

### Article XV. Yearly Salaries for Various Positions

[Adopted 9-21-1987 by Ord. No. 935; last amended 8-6-2012 by Ord. No. 1542]

#### § 171-66. Yearly salaries established.

The yearly salaries for the Mayor, Council President, City Councilors and various other positions shall be as set forth in Schedule 1 included at the end of this chapter. On or after January 1 of each odd-numbered year beginning in 2007, the Finance Committee of the City Council shall report to the Council, as a Committee of the Whole, its recommendations for adjustment, if any, to the salaries of the Mayor and City Councilors.



REGULAR MEETING OF AUGUST 1, 2022

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Councillor Nathan Boudreau voting for JENNIFER A. DYMEK  
Councillor Craig Cormier voting for JENNIFER A. DYMEK  
Councillor Ronald Cormier voting for JENNIFER A. DYMEK  
Councillor Aleksander Dernalowicz voting for JENNIFER A. DYMEK  
Councillor Karen Hardern voting for JENNIFER A. DYMEK  
Councillor Dana Heath voting for JENNIFER A. DYMEK  
Councillor Judy Mack voting for JENNIFER A. DYMEK  
Councillor George Tyros voting for JENNIFER A. DYMEK  
President Elizabeth Kazinskas voting for JENNIFER A. DYMEK

Having received ten (10) votes for, Jennifer A. Dymek was declared and elected City Treasurer effective August 19, 2022, for term expiring August 19, 2025.

**#10768**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Nathan Boudreau, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and George Tyros to Remove from the Calendar *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Section 68, Entitled "Compensation Schedule, Attachment A: Mayor, Attachment B: City Council, and Attachment D: School Committee."* (Submitted by Councillor Judy Mack) and present it in January 2023.

**REPORTS OF STANDING COMMITTEES****PUBLIC SERVICE COMMITTEE****#10740**

Councillor George Tyros requested More Time on *A Petition by National Grid and Verizon New England, Inc., Keyes Road – To install beginning at a point approximately 700 feet southeast of the centerline of the intersection of West Street. Relocate Pole #2 across the street to accommodate for bridge construction and upgrade to a 45 foot class 2.* The Committee had more questions regarding the Petition. There being no objections, More time was Granted.

**NEW BUSINESS**

Councillor Aleksander Dernalowicz would like if National Grid to attend their Public Service Committee Meetings.

**Titi Siriphan**

**From:** Judy Mack  
**Sent:** Monday, June 27, 2022 3:22 PM  
**To:** Titi Siriphan  
**Cc:** Elizabeth Kazinskas  
**Subject:** Ordinance: Salary Proposal  
**Attachments:** Compensation Elected Officials.docx

RECEIVED  
 2022 JUN 27 PM 4:21  
 CITY CLERK'S OFFICE  
 GARDNER, MA

June 27, 2022

Ms. Titi Siriphan  
 Gardner City Clerk  
 95 Pleasant Street  
 Gardner, MA 01440

Dear Ms. Siriphan,

Please see the enclosed ordinance I'm proposing to increase the salary of the Mayor of Gardner. The salary of the mayor for years has not been aligned with other positions within the city. Based on the City of Gardner earnings report, for FY '21 the mayor is listed as #48 on the list based on salary.

The Mayor per the City charter is the chief executive of the city. The fact that so many other city employees, including many within city hall, have higher salaries than their boss, positions that don't have the responsibilities that the executive of the city has is erroneous and long overdue to be corrected.

In 2021, the city had a special election for a mayor that cost the City of Gardner more than raising the salary that was requested for that time. The members of the City Council at that time voted down a raise of 2%, \$1,800. The cost of this special election was well over \$25,000.

Of the salaries within the city, the mayor's salary has remained rather stagnant for quite some time and deserve more equity in pay in comparison to the fire, police, school and other city departments. I'm proposing a \$15,000 raise to be spread out over three years with an increase of \$5,000 a year.

Per the charter, the council is able to look at the mayor's salary at any time. As the salary can't per the charter go in effect during a term, this is proposed for the next term starting in FY24. If we, the city council, want the city to be run by qualified individuals, then compensation needs to increase. Compensating the leader who is the representative of our city, a person that works more than 8 hours a day and 40 hours a week. The same person attends many events on the city's behalf in the evening, on weekends and who is always on call, is long overdue.

Included in the Compensation of Elected Officials attached, listed under A and D, are the positions of City Councilor and School Committee members which include a small increase in compensation to members of the City Council and School Committee. The increase is the same 2% COLA that all city employees receive. As with the proposed increase in the salary of the mayor, if passed it would not be effective until FY 24.

Sincerely,  
 Judy A. Mack  
 Councilor at Large

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, SECTION 68 OF CHAPTER 171, ENTITLED COMPENSATION SCHEDULE, ATTACHMENT A: MAYOR, ATTACHMENT B: CITY COUNCIL, AND ATTACHMENT D: SCHOOL COMMITTEE

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

SECTION 1: Attachment A, entitled Mayor, of Section 68 of Chapter 171, entitled Compensation Schedule, be stricken in its entirety and replaced with the following:

Exhibit A  
Mayor

| Position | Annual Salary             |           |
|----------|---------------------------|-----------|
| Mayor    | Effective January 1, 2024 | \$97,196  |
|          | Effective January 1, 2025 | \$102,196 |
|          | Effective January 1, 2026 | \$107,196 |

SECTION 2: Attachment B, entitled City Council, of Section 68 of Chapter 171, entitled Compensation Schedule, be stricken in its entirety and replaced with the following:

Exhibit A  
City Council

| Position          | Annual Salary             |             |
|-------------------|---------------------------|-------------|
| Council President | Effective January 1, 2024 | \$10,921.14 |
|                   | Effective January 1, 2025 | \$11,139.56 |
|                   | Effective January 1, 2026 | \$11,362.35 |
| City Councilor    | Effective January 1, 2024 | \$7,472.52  |
|                   | Effective January 1, 2025 | \$7,621.97  |
|                   | Effective January 1, 2026 | \$7,774.41  |

SECTION 3: Attachment D, entitled School Committee, of Section 68 of Chapter 171, entitled Compensation Schedule, be stricken in its entirety and replaced with the following:

Exhibit D  
School Committee

| Position                                           | Annual Salary             |            |
|----------------------------------------------------|---------------------------|------------|
| School Committee Member<br>(excluding Chairperson) | Effective January 1, 2024 | \$5,100.00 |
|                                                    | Effective January 1, 2025 | \$5,202.00 |
|                                                    | Effective January 1, 2026 | \$5,306.04 |

SECTION 4: This ordinance take effect upon passage and publication as required by law.



# New Amended Proposal

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**AN ORDINANCE TO AMEND SECTION 68 OF CHAPTER 171 OF THE CODE OF  
THE CITY OF GARDNER, ENTITLED COMPENSATION SCHEDULE, EXHIBITS A,  
B, AND D**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

**SECTION 1:** Exhibits A, B, and D, of Section 68 of the Chapter 171 of the Code of the City of Gardner, entitled Personnel Compensation Schedule, be amended by deleting the current Exhibits A, B, and D, and inserting the following in place thereof:

**EXHIBIT A  
Mayor  
Effective Date: January 1, 2024**

| Position                                       | Annual Salary | Weekly Salary |
|------------------------------------------------|---------------|---------------|
| Mayor                                          | \$99,836      |               |
| Acting Mayor in the event of a Mayoral Vacancy |               | \$1,919.91    |

**EXHIBIT B  
City Council  
Effective Date: January 1, 2024**

| Position               | Annual Salary |
|------------------------|---------------|
| City Council President | \$11,594.15   |
| City Councilor         | \$7,933.01    |

**EXHIBIT D  
School Committee  
Effective Date: January 1, 2024**

| Position                                        | Annual Salary |
|-------------------------------------------------|---------------|
| School Committee Member (Excluding Chairperson) | \$5,414.28    |

**SECTION 2:** That this ordinance shall become effective on January 1, 2024, following passage and publication as required by law.



# CITY OF GARDNER POLICE DEPARTMENT

200 Main Street  
Gardner, Massachusetts 01440  
Phone: (978) 632-5600  
Fax: (978) 632-9045



Eric P. McAvene  
Chief of Police

Nicholas P. Maroni  
Deputy Chief of Police

December 1, 2022

The Honorable Elizabeth J. Kazinskas, Council President and City Councilors  
Gardner City Hall, Rm. 121  
95 Pleasant Street  
Gardner, MA 01440

Re: Regan Street One-Way Proposal

RECEIVED  
2022 DEC -1 PM 12:12  
CITY CLERK'S OFFICE  
GARDNER, MA.

Dear Madam President and Councilors,

The Traffic Commission recently met and voted to recommend changing Regan Street from two-way traffic to one-way in a north direction. The request was made as there are traffic concerns during events at Holy Rosary Church and regular pickup at Holy Family Academy. Regular resident parking and the additional vehicle traffic for the church and the school can cause a bottleneck. Through traffic sometimes must stop to allow vehicles traveling the opposite direction to safely pass.

The effect of the proposal on residents would be mitigated by access to Regan from Moran Street. With the change, parking on Regan Street would remain the same, but allows vehicles to safely pass traveling in one direction.

The change to Regan Street will require an ordinance change to section 600-42 of the City Code. I would recommend the update to 600-42 by adding:

| <u>Name of Street</u> | <u>Direction of Travel</u> | <u>Location</u>                    |
|-----------------------|----------------------------|------------------------------------|
| Regan Street          | Northerly                  | From Baker Street to Parker Street |

Very truly yours,

Eric P. McAvene  
Chief of Police

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER  
CHAPTER 600, ENTITLED "VEHICLES AND TRAFFIC", SECTION 42,  
ENTITLED "ONE WAY STREETS"**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

**SECTION 1:** Section 42, of Chapter 600 of the Code of the City of Gardner, entitled "One Way Streets" by amended by adding the following:

| <b><u>Name of Street</u></b> | <b><u>Direction of Travel</u></b> | <b><u>Location</u></b>             |
|------------------------------|-----------------------------------|------------------------------------|
| Reagan Street                | Northerly                         | From Baker Street to Parker Street |

**SECTION 2:** This ordinance shall take effect upon passage and publication as required by law



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

FD CASH \$200.00  
12/29/22 JG

10882

Date Received  
RECEIVED DEC 29 PM 1:01

### APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New  Renewal  Class 1  **Class 2**  Class 3  (Circle all that apply to this Application)

1. Legal Name of Business: Northeast bus and truck Sales LLC  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)

2. Doing Business As: Gardner Five Star Auto Sales  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)

3. Business Address: 407 Chestnut St  
(Complete street address where business will be conducted and P.O. Box, if any)

4. Business Tel: 978-410-7171 Cellular 413-695-0414 Fax 978 910-7963 E-Mail Busandtruck@attlook.com

5. Is the business an individual, partnership, association or corporation? LLC

6. If an individual, state full name and residential address: \_\_\_\_\_

7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_

8. If an association or corporation, state full names of the principal officers:

President Jesus Alberto Merino

Secretary Jesus Alberto Merino

Treasurer Jesus Alberto Merino

9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes

a. If so, is your principal business the sale of new motor vehicles? no

b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes

c. Is your principal business that of a motor vehicle junk dealer? no

d. Is your principal business that of a "Repairs"? no

e. Is your principal business that of "Repossession"? no

9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Small car dealership and repairs  
light Repair of Used vehicles

10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO

If yes, state the name of the manufacturer: \_\_\_\_\_




- 11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO \_\_\_\_\_
- 12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO   
 If yes, in what city or town? \_\_\_\_\_  
 Did you receive a license? YES \_\_\_\_\_ NO \_\_\_\_\_ For what year? \_\_\_\_\_
- 13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- Applicable License Application Processing Fee(s)**, check payable to **"City of Gardner"**
- Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- State and Federal Tax Certification Affidavit**
- City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- Criminal Offender Record Information (CORI) Authorization form.**
- Workers Compensation Insurance Affidavit: General Businesses**
- Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Zoning Opinion** from the Building Commissioner.
- Planning Board and/or Board of Appeals Decisions *(if applicable)*.

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZES THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

 DATE SIGNED 12/29/22  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT  
 OR  
 SOCIAL SECURITY NUMBER ~~XXXXXXXXXXXX~~ EMPLOYER IDENTIFICATION NUMBER (EIN) \_\_\_\_\_

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.



CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

PAID  
CHECK  
# 15315  
JAN 12 11:10:01

APPLICATION FOR LICENSE TO BUY AND  
SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal  Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Riverside - Joseph Chamney II  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Riverside Auto  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 65 Riverside Rd Gardner  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel. 978-632-7190 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail JAR18@Verizon.net
5. Is the business an individual, partnership, association or corporation? Individual
6. If an individual, state full name and residential address: Joseph Chamney  
65 Riverside Rd Gardner MA
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
President \_\_\_\_\_  
Secretary \_\_\_\_\_  
Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? NO
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? yes
  - d. Is your principal business that of a "Repairs"? NO
  - e. Is your principal business that of "Repossession"? NO
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Building situated on 11 acres on the north side of the Otter River
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO   
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO ✓
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES ✓ NO \_\_\_\_\_  
 If yes, in what city or town? Gardner
- Did you receive a license? YES ✓ NO \_\_\_\_\_ For what year? 1979-2022
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO ✓ If yes, please explain: \_\_\_\_\_

**Provide the following items/documentation with the completed Application form:**

- Applicable License Application Processing Fee(s)**, check payable to **“City of Gardner”**
- Surety Bond** in the amount of **\$25,000** executed by a surety company authorized to transact business in Massachusetts, or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority. A separate bond shall be required for each different name under which the dealer conducts his business. (Applies only to Class 2 Dealers).
- State and Federal Tax Certification Affidavit**
- City of Gardner **PERMIT/APPLICATION GOOD STANDING CERTIFICATE**
- Criminal Offender Record Information (CORI) Authorization form.**
- Workers Compensation Insurance Affidavit: General Businesses**
- Parking Plan** (scaled 1" = 40 ft.) showing Building Department-approved parking layout. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Site Plan** (scaled 1" = 40 ft.) showing all available parking, driveways, entrances and exits, building location, etc. Six (6) copies shall be reduced to either 8½" x 11", or if applicable, 11" x 17".
- Zoning Opinion** from the Building Commissioner.
- Planning Board and/or Board of Appeals Decisions (*if applicable*).

THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. APPLICANT FURTHER CERTIFIES THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

\_\_\_\_\_  
 INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED \_\_\_\_\_

\_\_\_\_\_  
 SOCIAL SECURITY NUMBER

**OR**

\_\_\_\_\_  
 EMPLOYER IDENTIFICATION NUMBER (EIN)

**License Fee must be submitted with this form. Make check payable to City of Gardner. Mail completed Application Form, along with all required documentation and check to: City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440.**

**NOTICE:** The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant’s compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 requires the filing of a Workers’ Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, **shall be sufficient cause for the denial of the License application.**





CITY OF GARDNER, MASSACHUSETTS  
City Hall - Room 121 - 95 Pleasant Street  
Gardner, MA 01440-2630  
Tel: 978-630-4058 Fax: 978-630-2589

Date Received  
PAID  
Check  
# 18319  
JAN 12 11:10:01

### APPLICATION FOR LICENSE TO BUY AND SELL SECOND HAND MOTOR VEHICLES

New \_\_\_ Renewal  Class 1 - Class 2 - Class 3 (Circle all that apply to this Application)

1. Legal Name of Business: Joseph M. Champney II - Riverside  
(Name as registered with the Secretary of the Commonwealth's Corporations Division. If individual or partnerships enter names)
2. Doing Business As: Riverside Auto  
(If conducted under any name other than the Applicant's Legal Name. An active Business Certificate must be on file with the City Clerk)
3. Business Address: 65 Riverside Rd Gardner MA  
(Complete street address where business will be conducted and P.O. Box, if any)
4. Business Tel: 978-632-7190 Cellular \_\_\_\_\_ Fax \_\_\_\_\_ E-Mail: RAC18@Verizon.net
5. Is the business an individual, partnership, association or corporation? Individual
6. If an individual, state full name and residential address: Joseph Champney II  
65 Riverside Rd Gardner MA
7. If a partnership, state full names and residential addresses of all partners: \_\_\_\_\_
8. If an association or corporation, state full names of the principal officers:  
 President \_\_\_\_\_  
 Secretary \_\_\_\_\_  
 Treasurer \_\_\_\_\_
9. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? yes
  - a. If so, is your principal business the sale of new motor vehicles? No
  - b. Is your principal business the buying and selling or exchanging of second hand motor vehicles? yes
  - c. Is your principal business that of a motor vehicle junk dealer? yes
  - d. Is your principal business that of a "Repairs"? No
  - e. Is your principal business that of "Repossession"? No
9. Provide a complete description of all the premises to be used for the purpose of carrying on the business:  
Building situated on 11 acres on the northerly side of the other River
10. Are you a recognized agent of a motor vehicle manufacturer? YES \_\_\_\_\_ NO   
If yes, state the name of the manufacturer: \_\_\_\_\_

11. Do you have a signed contract as required by Section 58, Class I? YES \_\_\_\_\_ NO
12. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  NO \_\_\_\_\_  
 If yes, in what city or town? Gardner  
 Did you receive a license? YES  NO \_\_\_\_\_ For what year? 1979-2022
13. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? YES \_\_\_\_\_ NO  If yes, please explain: \_\_\_\_\_

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