



City of Gardner, Massachusetts  
Office of the City Council

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CALENDAR FOR THE MEETING

of  
MONDAY, MARCH 20, 2023  
CITY COUNCIL CHAMBER  
7:30 P.M.

**ORDER OF BUSINESS**

- I. CALL TO ORDER
- II. CALL OF THE ROLL OF COUNCILLORS
- 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)

- December 5, 2022, Regular Meeting
- December 19, 2022, Regular Meeting
- January 3, 2023, Regular Meeting
- January 10, 2023, Special Meeting
- January 17, 2023, Regular Meeting
- February 6, 2023, Regular Meeting
- February 21, 2023, Informal Meeting
- February 21, 2023, Regular Meeting

VII. PUBLIC HEARINGS

VIII. COMMUNICATIONS FROM THE MAYOR

**COMMUNICATIONS**

**10944** – A Notification from the Mayor Regarding FY2024 Chapter 90 Funding.  
(Finance Committee)

**10945** – A Notification from the Mayor Regarding Preliminary Cherry Sheet Figures for FY2024. (Finance Committee)

**COMMUNICATIONS, continued**

**10946** – A Measure Authorizing an Intermunicipal Agreement between City of Gardner and Town of Ashburnham for Wastewater Collection, Treatment and Disposal. (*Finance Committee*)

**10947** – A Measure Authorizing an Intermunicipal Agreement between City of Gardner and Town of Hubbardston for Animal Control Services. (*Finance Committee*)

**APPOINTMENTS**

**10949** – A Measure Confirming the Mayor’s Appointment of Bryant Powlowski to the position of Permanent Police Officer. (*Appointments Committee*)

**10950** – A Measure Confirming the Mayor’s Appointment of Angel Estrada to the position of Permanent Police Officer. (*Appointments Committee*)

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

**10951** – An Open Meeting Law Complaint Filed by Paul DeMeo Regarding City Council Meeting Minutes.

**X. REPORTS OF STANDING COMMITTEES**

**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; More Time 2/6/2023, 2/21/2023, 3/6/2023*)

**SERVICE COMMITTEE**

**10909** – A Petition by National Grid and Verizon New England, Inc. – Cross Street – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross Street. (*Public Service Committee; Public Hearing 3/6/2023; More Time 3/6/2023*)

## **WELFARE COMMITTEE**

- 10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140. *(Welfare Committee; In the City Council and Referred to Planning Board 2/21/2023; More Time 3/6/2023; Public Hearing 3/20/2023)*
- 10892** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to add “Sports Betting” to the Zoning Table of Uses. *(Welfare Committee; In the City Council and Referred to Planning Board 2/21/2023; More Time 3/6/2023; Public Hearing 3/20/2023)*
- 10893** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to increase the quota allowed by the Code of the City of Gardner. *(Welfare Committee; In the City Council and Referred to Planning Board 2/21/2023; More Time 3/6/2023; Public Hearing 3/20/2023)*

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

- 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, City Councillors and School Committee. *(In the City Council and Referred to Finance Committee 1/17/2023; Referred to Committee of the Whole 2/6/2023; Informal Meeting 2/21/2023; Referred back to Finance Committee 2/21/2023; Ordered to First Printing 3/6/2023; First Printing 3/9/2023)*
- 10906** – An Ordinance to Amend the Code of the City of Gardner, by adding a new Chapter 502, to be entitled “Mobile Food Operations,” which Chapter Provides for the Regulations for Operating Food Truck Services in the City. *(In the City Council and Referred to Public Safety Committee 2/21/2023; Ordered to First Printing 3/6/2023; First Printing 3/9/2023)*

## **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 law.



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**REGULAR MEETING OF DECEMBER 5, 2022**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, December 5, 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 Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, George Tyros, 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**

No minutes were present.



REGULAR MEETING OF DECEMBER 5, 2022

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**REPORTS OF STANDING COMMITTEES**  
**APPOINTMENTS COMMITTEE****#10859**

President Elizabeth Kazinskas took this item out of order.

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 Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh, it was voted to place on file, A Notification of the Fire Chief's Appointment of Joshua Chaples, to the position of Permanent Firefighter.

A brief recess was taken to administer the oath of office.

Meeting resumed at 7:34 P.M.

**PUBLIC HEARINGS****#10850**

President Elizabeth Kazinskas opened the public hearing on a petition of National Grid for permission to locate poles, wire, and fixtures, including the necessary sustaining and protecting fixtures along and across the following public way:

A Petition by National Grid – Coleman Street – To install 1 single owned pole beginning at a point approximately 250 feet east of the centerline of the intersection of Coleman Street and Robillard Street. Install 1 stub pole on Coleman Street to support P25 on Parker Street.

The President called for persons wishing to testify in favor of the Petition.

Mike Massie of National Grid spoke in favor of the petition. This pole was initiated by the engineer for safety. The pole is to support pole P25 on Parker Street after a tree has been removed.

The President called again for persons wishing to testify in favor of the Petition.

There being none, the President thrice called for persons wishing to testify in opposition.

There being none, President Kazinskas closed the Hearing at 7:38 p.m.

REGULAR MEETING OF DECEMBER 5, 2022

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**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS****#10851**

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

**AN ORDER APPROPRIATING FROM FREE CASH TO TRAFFIC LIGHTS  
REPAIRS & MAINTENANCE****ORDERED:**

That there be and is hereby appropriated the sum of Fifty-Seven Thousand Four Hundred Eighty-Five Dollars and No Cents (\$57,485.00) from Free Cash to the Traffic Lights Repairs & Maintenance

**#10852**

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

**AN ORDER APPROPRIATING FROM FREE CASH TO CITY ASSESSOR –  
VALUATION MAINTENANCE EXPENSE ACCOUNT****ORDERED:**

That there be and is hereby appropriated the sum of Six Thousand Dollars and No Cents (\$6,000.00) from Free Cash to the City Assessor – Valuation Maintenance Expense Account.

**#10853**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander

REGULAR MEETING OF DECEMBER 5, 2022

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Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh that the following ORDER ought to pass:

AN ORDER APPROPRIATING FROM FREE CASH TO CITY ASSESSOR DEPARTMENT – VALUATION MAINTENANCE EXPENSE ACCOUNT

ORDERED:

That there be and is hereby appropriated the sum of Six Thousand Dollars and No Cents (\$6,000.00) from Free Cash to the City Assessor – Valuation Maintenance Expense Account.

**#10855**

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 Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Order Appropriating \$10,000.00 Free Cash to City Clerk's Temporary Staffing Account* to the Finance Committee for further study and report.

**#10860**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Craig Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Order Authorizing \$107.96 Payment of Prior Year for Airport Department Operating Expenditure* to the Finance Committee for further study and report.

**#10863**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Order Transferring \$36,500.00 from Veterans Department, Veterans Benefit Operating Expenditures to Clerk/Assistant Salaries and Wages Expenditures* to the Finance Committee for further study and report.

REGULAR MEETING OF DECEMBER 5, 2022

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**COMMUNICATIONS FROM THE MAYOR**  
**ORDINANCES****#10856**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Section 68, Entitled "Personnel Compensation Schedule," – Related to FY2023 Supplemental Budget* to the Finance Committee for further study and report.

**#10857**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 428, Entitled "Hawkers and Peddlers"* to the Public Safety Committee for further study and report.

**#10861**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street"* to the Public Safety Committee for further study and report.

**#10864**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Entitled "Personnel Compensation Schedule," – Assistant Director of Veterans Services* to the Finance Committee for further study and report.

REGULAR MEETING OF DECEMBER 5, 2022

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**COMMUNICATIONS FROM THE MAYOR**  
**APPOINTMENTS****#10858**

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 Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *A Measure Confirming the Mayor's Appointment of Anthony Whitman, to the Position of Local Inspector, for term expiring November 25, 2025* to the Appointments Committee for further study and report.

**COMMUNICATIONS FROM THE MAYOR**  
**COMMUNICATIONS****#10862**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Craig Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to schedule a *Meeting for the Purpose of the State of the City Address*.

**REPORTS OF STANDING COMMITTEES**  
**FINANCE COMMITTEE****#10815**

Councillor Ronald Cormier informed the Council that this item requires a 9/10<sup>th</sup> vote to pass.

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

AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

ORDERED: To authorize payment of prior year HUMAN RESOURCES operating



## REGULAR MEETING OF DECEMBER 5, 2022

expenditure account for prior year, as follows:

|        |                                  |            |
|--------|----------------------------------|------------|
| FY2022 | HUMAN RESOURCES MEDICAL EXAM EXP | \$2,015.00 |
|--------|----------------------------------|------------|

**REPORTS OF STANDING COMMITTEES**

**PUBLIC SERVICE COMMITTEE**

**#10850**

On a motion made by Councillor James Walsh and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to GRANT *A Petition by National Grid – Coleman Street – To install 1 single owned pole beginning at a point approximately 250 feet east of the centerline of the intersection of Coleman Street and Robillard Street. Install 1 stub pole on Coleman Street to support P25 on Parker Street.*

**COMMITTEE OF THE WHOLE**

**#10781**

On a motion made by Councillor Judy Mack and seconded to Councillor Aleksander Dernalowicz it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, Judy Mack, George Tyros and James Walsh; one (1) nay, Councillor Karen Hardern; to Amend *An Act Relative to Establish a Special Act Charter Drafting Committee* from three (3) members to five (5) members. Three would be appointed by the Mayor, two would be appointed by the Council President, with Council approval.

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, seven (7) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Aleksander Dernalowicz, Dana Heath, Judy Mack, and George Tyros; four (4) nays, Councillors Craig Cormier, Ronald Cormier, Karen Hardern, and James Walsh; to APPROVE the Amended *Act Relative to Establish a Special Act Charter Drafting Committee.*



## REGULAR MEETING OF DECEMBER 5, 2022

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

On a motion made by Councillor James Walsh and seconded by Councillor Dana Heath, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to send and APPROVE and send to FINAL PRINTING *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.*

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING THE BOUNDARIES OF THE DISTRICTS OF THE CITY WITH REGULATIONS AND RESTRICTIONS TO BE ENFORCED AND TO BE KNOWN AS THE ZONING CODE.

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

## SECTION 1:

That "An Ordinance Establishing the Boundaries of the Districts of the City with Regulations and Restrictions to be enforced and to be known as the "Zoning Code" (Compilation of Ordinances No. 675) adopted by the City Council December 9, 1970, and amended several times thereafter be further amended as follows:

By changing the classification from Commercial 2 to General Residential 3 for twenty (20) parcels of land situated along the north and south sides of West Broadway from Kendal Pond Road westerly to the Templeton town line, being parcels:

H-17-72-1, H17-7-1, H17-12-2, H17-13-9, H17-7-8, H12-7-7, H17-7-6, H17-7-5, H17-12-9, H17-12-4, H17-7-4, H17-7-3, H17-7-2, H17-7-10, H17-3-9, H17-8-13A, H17-8-16, H17-8-13, H17-8-15, and H17-3-1.

## SECTION 2:

By changing the classification from Commercial 2 to Rural Residential 2 for a portion of one parcel of land situated along the south side of West Broadway, being parcel:

H17-13-5

SECTION 3: This ordinance shall take effect upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety (90) days after the posting of the second publication.



REGULAR MEETING OF DECEMBER 5, 2022

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**#10834**

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 Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to APPROVE and send to FINAL PRINTING *An Ordinance to Amend the Code of the City of the City of Gardner, Chapter 423, Entitled "Hackney and Other Carriages."*

**#10849**

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 Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to ADOPT *A Measure to Adopt a Factor for Real Estate and Personal Property Taxation for Fiscal Year 2023.*

**NEW BUSINESS**

Councillor Dana Heath mentioned a lot of donations are needed for the kids, Toys for Tots and Salvation Army.

Councillor Nathan Boudreau mentioned everyone stay safe out there.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Nathan Boudreau and seconded by Councillor Dana Heath, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to adjourn at 8:11 p.m.

**Accepted by the City Council:**





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**REGULAR MEETING OF DECEMBER 19, 2022**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, December 19, 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 Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, George Tyros, 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**

On a motion made by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillors Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the MINUTES of August 1, 2022 Regular Meeting, September 7, 2022 Regular Meeting, September 19, 2022 Informal Meeting and September 19, 2022 Regular Meeting.

REGULAR MEETING OF DECEMBER 19, 2022

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**REPORTS OF STANDING COMMITTEES**  
**APPOINTMENTS COMMITTEE**

**#10858**

President Elizabeth Kazinskas took this item out of order.

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 Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh, it was voted to CONFIRM the *Mayor's Appointment of Anthony Whitman, to the Position of Local Inspector, for term expiring November 25, 2025.*

A brief recess was taken to administer the oath of office.

Meeting resumed at 7:34 P.M.

**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS**

**#10865**

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

AN ORDER APPROPRIATING FROM FREE CASH TO THE IT DEPARTMENT  
– CYBER SECURITY SOFTWARE ACCOUNT.

## ORDERED:

That there be and is hereby appropriated the sum of Twenty-Seven Thousand Dollars and No Cents (\$27,000.00) from Free Cash to the IT Department – Cyber Security Software Account.

REGULAR MEETING OF DECEMBER 19, 2022

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**COMMUNICATIONS FROM THE MAYOR**  
**COMUNICATIONS****#10866**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor James Boone, Nathan Boudreau, Craig 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 73 STUART STREET**

VOTED: To declare surplus for the purpose of disposal, in accordance with prevailing General Laws, all land and buildings at 73 Stuart Street, further identified on the City of Gardner Assessor's Map as M32-00024-00006, to establish as a minimum amount of \$17,000.00 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.

**#10867**

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

**AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF  
GARDNER AND THE TOWN OF ASHBY FOR VETERAN'S SERVICES**

VOTED: To authorize the Mayor of the City of Gardner to enter into an Inter-Municipal with the Town of Ashby for the purpose of providing Veteran's services among the two communities, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of General Laws.

**#10871**

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

REGULAR MEETING OF DECEMBER 19, 2022

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Councillor James Boone, Nathan Boudreau, Craig 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 the Certification of FY2023 Tax Rate.*

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

**#10875**

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 Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *A Measure Confirming the Mayor's Appointment of Neil Janssens, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council* to the Appointments Committee for further study and report.

**#10876**

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 Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *A Measure Confirming the Mayor's Appointment of Tina Griffin, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council* to the Appointments Committee for further study and report.

**#10877**

On a motion made by Councillor George Tyros and seconded by Councillor Judy Mack, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, and George Tyros to refer *A Measure Confirming the Mayor's Appointment of Robert Rice, Esq., to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council* to the Appointments Committee for further study and report.

Councillor James Walsh abstained due to a possible conflict of interest.



## REGULAR MEETING OF DECEMBER 19, 2022

PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10868**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to GRANT *Applications for Motor Vehicle Dealers Licenses, Class I:*

- (a) Salvadore Chevrolet, 442 West Broadway
- (b) Salvadore Chrysler-Dodge-Jeep-Ram, 442 West Broadway

**#10869**

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 Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to GRANT *Applications for Motor Vehicle Dealers Licenses, Class II:*

- (a) AC Auto Clinic, 411 Parker Street
- (b) Blake Motors, 412 Main Street
- (c) Brian's Auto Sales, 549 W Broadway
- (d) Gardner Automart, Inc., 182 West Street
- (e) Gardner Motors, LLC, 119 Pearson Blvd
- (f) JPJ Automotive, LLC, 78 East Broadway
- (g) Mike's Auto, 251 E Broadway
- (h) Osagi Enterprise, LLC., 43 Tobey Street
- (i) Ric's Radiator Repair Used Car Sales, 800 W Broadway
- (j) Salvadore Chevrolet, 421 W Broadway
- (k) Salvadore Chevrolet, 249 Timpany Blvd.
- (l) Sylvester R. Anghuy Sales, 146 Sherman Street
- (m) Rob's Dyno Services, LLC, 268 Coleman Street
- (n) J. Wood Inc., 361 West Street
- (o) T.J. & Sons Auto Sales, 537 W Broadway

**#10870**

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

REGULAR MEETING OF DECEMBER 19, 2022

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for Motor Vehicle Dealers Licenses, Class II, *Applications for Motor Vehicle Dealers Licenses, Class III, Osagi Enterprise, LLC., Used Auto Parts Sales, 43 Tobey Street.*

**#10872**

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 Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *A Measure Confirming the Council Presidents Appointment of Jennifer Zlotnik Pelavin, Esq., to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council,* to the Appointments Committee for further study and report.

**#10873**

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 Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to refer *A Measure Confirming the Council Presidents Appointment of Alan L. Agnelli, to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council,* to the Appointments Committee for further study and report.

**#10874**

On a motion made by Councillor James Walsh and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh, to place on file *Notification from City Clerk of Ward 3 Councillor Vacancy.*

**REPORTS OF STANDING COMMITTEES**  
**FINANCE COMMITTEE**

**#10855**

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 DECEMBER 19, 2022

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

AN ORDER APPROPRIATING FROM FREE CASH TO CITY CLERK'S TEMPORARY STAFFING ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to the City Clerk's Temporary Staffing Account.

**#10860**

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

AUTHORIZING PAYMENT OF PRIOR YEAR SALARY EXPENDITURE

ORDERED: To authorize payment of prior year AIRPORT Dept operating expenditure account for prior year, as follows:

|        |                         |           |
|--------|-------------------------|-----------|
| FY2022 | CAPTAINS SALARY & WAGES | \$ 107.96 |
|--------|-------------------------|-----------|

**#10863**

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 Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh that the following Order ought to pass:

AN ORDER TRANSFERRING APPROPRIATIONS FROM VETERAN DEPT, VETERANS BENEFIT OPERATING EXPENDITURES TO CLERK/ASSIST SALARIES AND WAGES EXPENDITURES

ORDERED: That there be and is hereby transferred the appropriations sum of Thirty-Six Thousand Five Hundred Dollars and No Cents (\$36,500.00) from Veterans Department, Veterans Benefit Operating Expenditures to Clerk/Assist Salaries and Wages Expenditures.

**#10856**



REGULAR MEETING OF DECEMBER 19, 2022

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On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to send to First Printing, *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Section 68, Entitled "Personnel Compensation Schedule," – Related to FY2023 Supplemental Budget.*

**#10864**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor George Tyros, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to send to First Printing, *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Entitled "Personnel Compensation Schedule," – Assistant Director of Veterans Services.*

**REPORTS OF STANDING COMMITTEES****SAFETY COMMITTEE****#10857**

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 Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh send to First Printing, *An Ordinance to Amend the Code of the City of Gardner, Chapter 428, Entitled "Hawkers and Peddlers."*

**#10861**

Councillor Craig Cormier requested more time on *An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street."*

There was no objection. More time was granted.

**NEW BUSINESS**

Councillors Aleksander Dernalowicz, Judy Mack, Craig Cormier Karen Hardern, James Walsh, Ronald Cormier, Elizabeth Kazinskas and James Boone would like to thank





REGULAR MEETING OF DECEMBER 19, 2022

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Councillor Nathan Boudreau for his time served on the City Council and best wishes.

Councillor Judy Mack encourages residents of Ward 3 to inquire about the vacancy in Ward 3.

Councillor James Boone would like to reach out to the residents of Regan Street regarding the street changing into a One-way and see if there is any opposition.

Councillor Nathan Boudreau took a moment to thank everyone.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Nathan Boudreau and seconded by Councillor James Boone, it was voted viva voce, eleven (11) yeas, President Elizabeth Kazinskas and Councillor Nathan Boudreau, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to adjourn at 8:06 p.m.

**Accepted by the City Council:**

**REGULAR MEETING OF JANUARY 3, 2023**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday evening, January 3, 2023.

**CALL TO ORDER**

City Clerk Titi Siriphan 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. Ten (10) Councillors were present including Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh.

**ELECTION OF THE COUNCIL PRESIDENT**

The City Clerk announced that nominations were in order for election of Council President for the year 2023, in accordance with Section 5 of the Charter of the City of Gardner.

Councillor Elizabeth Kazinskas announced that she would recuse herself on advice from the State Ethics Commission "as candidates [for Council President] are not allowed to vote for themselves." She removed herself from the meeting participation.

The Clerk announced that nominations were in order for election of Council President for the year 2023.

Councillor George Tyros nominated Councillor Elizabeth Kazinskas.

There being no further nominations, the City Clerk entertained a motion to close nominations.

On a motion by Councillor James Walsh and seconded by Councillor Judy Mack, it was voted viva voce, nine (9) yeas, James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh, to close nominations.

On call of the roll:

Councillor James Boone voting ELIZABETH J. KAZINSKAS

Councillor Craig R. Cormier voting for ELIZABETH J. KAZINSKAS

Councillor Ronald F. Cormier voting for ELIZABETH J. KAZINSKAS

Councillor Aleksander H. Dernalowicz voting for ELIZABETH J. KAZINSKAS



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**REGULAR MEETING OF JANUARY 3, 2023**

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Councillor Karen G. Hardern voting for ELIZABETH J. KAZINSKAS  
Councillor Dana M. Heath ELIZABETH J. KAZINSKAS  
Councillor Judy A. Mack voting for ELIZABETH J. KAZINSKAS  
Councillor Elizabeth J. Kazinskas ABSTAINED  
Councillor George C. Tyros voting for ELIZABETH J. KAZINSKAS  
Councillor James M. Walsh voting for ELIZABETH J. KAZINSKAS

**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**

On a motion made by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the MINUTES of October 3, 2022 Informal Meeting.

**REPORTS OF STANDING COMMITTEES****APPOINTMENTS COMMITTEE****#10872**

Councillor George Tyros requested MORE TIME on *A Measure Confirming the Council President's Appointment of Jennifer Zlotnik Pelavin, Esq., to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council.*

REGULAR MEETING OF JANUARY 3, 2023

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There being no objection, more time was granted.

**#10873**

Councillor George Tyros requested MORE TIME on *A Measure Confirming the Council President's Appointment of Alan L. Agnelli, to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council.*

There being no objection, more time was granted.

**#10875**

Councillor George Tyros requested MORE TIME on *A Measure Confirming the Mayor's Appointment of Neil Janssens, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council.*

There being no objection, more time was granted.

**#10876**

Councillor George Tyros requested MORE TIME on *A Measure Confirming the Mayor's Appointment of Tina Griffin, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council.*

There being no objection, more time was granted.

**#10877**

Councillor George Tyros requested MORE TIME on *A Measure Confirming the Mayor's Appointment of Robert Rice, Esq., to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council.*

There being no objection, more time was granted.

**REPORTS OF STANDING COMMITTEES****SAFETY COMMITTEE****#10861**

Councillor Craig Cormier requested more time on *An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street."*

REGULAR MEETING OF JANUARY 3, 2023

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There was no objection. More time was granted.

**UNFINISHED BUSINESS AND METTERS FOR RECONSIDERATION**

**#10856**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to APPROVE and send to Final Printing, *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Section 68, Entitled "Personnel Compensation Schedule," – Related to FY2023 Supplemental Budget .*

**#10857**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to APPROVE and send to Final Printing, *An Ordinance to Amend the Code of the City of Gardner, Chapter 428, Entitled "Hawkers and Peddlers."*

**#10864**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to APPROVE and send to Final Printing, *An Ordinance to Amend the Code of the City of Gardner, Chapter 171, Entitled "Personnel Compensation Schedule," – Assistant Director of Veterans Services.*

**NEW BUSINESS**

Councillor Dana Heath mentioned that minimum wage has gone up to \$15.

Councillor Craig Cormier, Karen Hardern, James Walsh and Ronald Cormier would like to congratulate Councillor Elizabeth Kazinskas on the election of Council President.

Councillor James Boone wishes everyone a happy new year.



REGULAR MEETING OF JANUARY 3, 2023

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**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Dana Heath and seconded by Councillor Craig Cormier it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros and James Walsh to adjourn at 7:52 p.m.

Accepted by the City Council:

UNACCEPTED / UNCORRECTED PROOF



**SPECIAL MEETING OF JANUARY 10, 2023**

Special Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday evening, January 10, 2023.

**CALL TO ORDER**

Council President Kazinskas, called the meeting to order at 7:00 o'clock p.m.

**CALL OF THE ROLE**

Council President Kazinskas, called the Roll of Members. Eight (8) Councilors were present including Councilors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, George Tyros, and James Walsh. Councilors Craig Cormier and Judy Mack were absent. The Ward 3 Councilor seat currently being vacant.

**PLEDGE OF ALLEGIANCE**

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

**RECOGNITION OF VISITING OFFICIALS**

President Kazinskas then recognized all visiting officials:

- Representative Jonathan Zlotnik
- Former Mayors of the City of Gardner
  - Alan Agnelli
  - Daniel Kelley
- City of Gardner Representative and Chair of the Montachusett Regional Technical Vocational School Committee Mr. Eric Commodore
- Governor's Councilor Paul DePalo
- Visiting Members of the General Court
  - Representative Kimberly Ferguson
  - Representative Meghan Kilcoyne
  - Representative Jay Barrows
- Leominster City Council President David Cormier
- Lancaster Select Board Chair Steve Kerrigan
- Former Braintree Town Councilor Michael Owens
- Westminster Town Administrator Stephanie Lahtinen
- Templeton Town Administrator Adam Lamontagne
- Athol Town Manager Shaun Suhoski
- Staff from Senator Elizabeth Warren's Office
- Staff from Congresswoman Lori Trahan's Office



## SPECIAL MEETING OF JANUARY 10, 2023

President Kazinskas then thanked all City Department Heads and Employees for their dedicated service to the City.

**REMARKS FROM THE LIEUTENANT GOVERNOR**

Council President Kazinskas then welcomed Lieutenant Governor Driscoll to the City with the following:

*“On behalf of the City Council, the School Committee, and the Mayor, I’d like to welcome the new Lt. Governor of Massachusetts, Kimberly Driscoll. While she has been in office for less than one week, the Lt. Governor has proven time and again to be a friend of the Chair City, and it is an honor to have her with us here this evening. The City of Gardner looks forward to working with you, alongside Governor Maura Healey, leading our Commonwealth.*”

*As we say here in Gardner, we are all Wildcats. On behalf of the City, Vice Chair Pelavin and I - both former Wildcat Basketball Players - and Mayor Nicholson, would like to present you and Governor Healey with Gardner High School Wildcat Basketball jerseys to take with you as you team up to move the ball forward in Massachusetts.”*

Council President Kazinskas, School Committee Vice Chair Jennifer Pelavin, and Mayor Nicholson then presented Lt. Governor Driscoll with a Gardner High School Basketball Jersey.

Lt. Governor Kimberly Driscoll then addressed those present as follows:

*“Good evening everyone.*

*It’s a pleasure to be here with all of you - the Mayor as he delivers his State of the City remarks - and all of the local and state officials who are here. Many of you know I come from local government. I was the Mayor of Salem for the last 17 years. I know the importance of the work that happens in rooms like this every single day. I’m looking forward to hearing your remarks, talking about not only where you’ve been, but where you’re going. You all know that local government is the branch of government we rely on the most. I think that why this chamber is packed, and frankly there’s an overflow room. It shows that you have an engaged community who really care about what’s happening on the ground. These are the rooms where we talk about how we’re going to educate our kids, keep our neighborhoods safe, invest in those places that really matter in our community, and how we’re going to look ahead as a city.*

*The Chair City has a really rich and proud past. How do we make sure we have a really bright future? I’m elated to be working with the team you have here in*





## SPECIAL MEETING OF JANUARY 10, 2023

*Gardner. I've had the good pleasure to be able to work with both the Council President and the Mayor, and Legislative Officials, thinking about how we support efforts in Gardner, in a community that, as I said, has a proud past but also has a rich future. I've walked the streets downtown; I've met some of the local business owners. I know that people really care about what's happening here and want to see that bright future. Most importantly though, you have aligned visions. You've got local leaders who are interested in finding ways to get to "yes" on having a shared vision for a community. For us, as state leaders, and I think I can speak for both the Governor and myself, we want to be not only strong partners, but strategic allies in that. We need communities working, and working well, to ensure that we have a thriving Commonwealth.*

*I am thrilled to be here only three days after I was inaugurated. In this new role I hope to come back here many times with a check. Equally important though, is bringing resources, is sharing in this work. We see local government and state government as having a symbiotic relationship. When the City of Gardner is doing well, the Commonwealth is doing well. We want to make sure that's happening. Thank you for having me and I'm looking forward to the remarks ahead."*

**REPORT ON THE STATE OF THE CITY**

Council President Kazinskas then called on Mayor Nicholson to deliver the biennial report on the State of the City.

Mayor Nicholson delivered the report with the following:

*Good Evening,*

*President Kazinskas, Vice Chair Pelavin, Lieutenant Governor Driscoll, Representative Zlotnik, other members of the General Court, Members of the City Council and the School Committee, Honored Guests, family, friends, and fellow Gardnerites:*

**INTRODUCTION:**

*One hundred years ago, Mayor Chester Pearson stood before the newly elected City Government as Gardner's first mayor, and delivered the first inaugural address outlining the successes of this community as a Town, laying out plans for the new city's future, and issuing a message of hope as they began the next chapter in Gardner's history.*



## SPECIAL MEETING OF JANUARY 10, 2023

*Two years ago, when I stood here to deliver this speech for my first time, there were only 10 other people in the room, spread out and wearing masks. Hospitals were facing capacity concerns, testing kits were at the forefront of people's minds, and the first COVID-19 vaccines had only just been released.*

*I concluded those remarks by stating that despite the uncertainty of the time, I was optimistic about the next years for our city. That our strength and perseverance would show our resilience, and present us with new opportunities.*

*I am proud to stand here today and say that we have stayed on that path and have set ourselves on a trajectory for continued success as we enter into the next century in our City's history.*

SUCSESSES OF THE PAST YEARFINANCIAL STABILITY & TRANSPARENCY

*During the last two years, we made great strides to improve our financial standing. The balance of our stabilization account is the highest it has ever been.*

*Additionally, our finance team has worked to make sure that everything is done to protect the taxpayers' money, and uphold our fiduciary responsibility to this City's residents. For the second year in a row, we received a perfect report on our annual audit from our City's outside auditor.*

*We're also making a concerted effort to return blighted and unutilized properties to the tax roll, increasing our revenue, improving our neighborhoods, and returning the spirit of our city to its forgotten corners.*

SCHOOLS

*We have continued to invest in our schools to ensure that our students have the resources they need in order to discover their potential and prepare them for future success.*

*After several years of planning and construction, the new Gardner Elementary School is now open to our students. This building provides a 21st century learning experience in an environment that was built to meet student's needs, rather than retrofitted from a previous use. This is the first time Gardner has constructed a purpose built elementary school since 1923 when Prospect Street School was constructed.*



## SPECIAL MEETING OF JANUARY 10, 2023

*We have begun work to improve and refurbish Landry Auditorium and LaChance Gymnasium at Gardner High School. Both have been fully repainted, the auditorium's seats were replaced, new carpet installed, and an acoustic improvement study is underway. The basketball court in the gym has been refinished and new scoreboards, crash pads, and banners installed.*

*The Watkins Field Renovation project will be completed this spring with new concession and bathroom facilities.*

*In addition to the Watkins Field facility improvements, the other fields at our education campus have been improved as well. This work included repairs to the irrigation system, leveling the field, reseeding the lawn, new baseball and softball diamonds, backstops, bullpens, tennis courts, and the construction of a new fitness court.*

*Two years ago, we reinstated our elementary school beginner band program after it was cut from the budget in 2010. In its first year, 158 students joined the program. Today, over 200 students are enrolled in the Gardner Elementary Band. To help boost all of our music programs across the district, we appropriated \$100,000 in funding to help purchase new equipment and supplies for all of our band, choral, drama, and general music programs in all our schools.*

### INFRASTRUCTURE

*In the past two years, we have also made unprecedented investments in our infrastructure.*

*Since 2020, we've paved more miles of road than we have in that same timeframe in our City's history.*

*With that, we've replaced all water pipes that were originally installed between 1860 and 1930.*

*At the same time, utilizing Community Development Block Grant funds, we have continued improvements to our pedestrian infrastructure around the City. This has included installing new sidewalks, street crossings, lighting fixtures, and bicycle signage throughout the Downtown area.*

*Working with the Massachusetts Department of Transportation's Traffic Improvement Project program, the Uptown Rotary at the intersection of Woodland Avenue, Pearl, Elm, Green, and Central Streets will be completely remodeled this Spring in order to allow for more efficient traffic flow.*



## SPECIAL MEETING OF JANUARY 10, 2023

ECONOMIC DEVELOPMENT

*Our economic development measures have also proved to be successful as our commercial base continues to grow.*

*Many people in our community remember a time when our downtown was a lively place people frequented on a regular basis. In the 1930s, my great-grandfather, Alcide Goguen, opened his barbershop on the second floor of the Flatiron building at 25 Main Street, where he worked until he sold his business to Turk's Barbershop in 1973. While downtown faced economic challenges since then, we have taken tremendous steps to reinvigorate the area, supporting our long standing establishments and welcoming new endeavors to the City.*

*In the past two years, 35 businesses have either newly opened their doors in the City, expanded, or are under new ownership, with the majority of these businesses located in our Downtown.*

*Recognizing that we, as a City, needed to play a key role in our economic recovery efforts from the pandemic, not only to help these new businesses and property investments survive, but also assist our long standing local businesses, we created several economic assistance programs utilizing funding we received from the state and federal government.*

*Awarding over 3 quarters of a million dollars to help our new and existing businesses with things like rent and mortgage payments, utilities, and the unexpected costs that came with running a business during a pandemic. Our businesses showed faith in our community during the COVID-19 pandemic, and we are returning the favor.*

*However, our economic development goals would be incomplete if we did not safeguard our future while moving forward from our past. Blight, vacant properties, and absentee landlords are problems that must be proactively guarded against. With that in mind, my office, working with Councilor Tyros, drafted an ordinance, unanimously approved by the Council, to arm our building and health departments with the tools they need to go after these problem properties that too often drag down a whole neighborhood.*

THE STATE OF OUR CITY

*Yes, the last few years were tough. The world has changed. Our city has changed. But with that comes change for the better. Working together, we transformed uncertainty into opportunity.*



## SPECIAL MEETING OF JANUARY 10, 2023

*Where other Cities around the country saw businesses close and storefronts boarded up, Gardner saw economic growth like it hasn't seen in decades.*

*While other Cities questioned how they would stay afloat financially, Gardner continued to cement our solid financial foundation.*

*While other Cities delayed projects, Gardner invested in our schools, improved our infrastructure, and increased our recreational opportunities.*

*Because of all of this, I am proud to stand here today, and report as clearly as I can, that the state of our City is strong.*

FUTURE PLANS

*We have many things to be proud of. But there is a lot more we are planning to do.*

*As we've worked to prevent problem properties, transform blight into promise and hold the private sector to a high standard, we will continue to hold ourselves to the same.*

*The opening of our new school gave us new opportunities in our former school buildings. Working with private sector partners, we have begun the process of revitalizing the areas of the former School Street School and Prospect Street School Buildings. Elm Street School, which hosts Gardner Academy, the Gardner Boys and Girls Club and will soon house the school department's central office.*

*In the coming months work will begin to transform the former Waterford Street School into the new Gardner Community Center to house the Gardner Senior Center, Gardner Community Action Committee, Growing Places' Food Processing Center to assist with food insecurity problems in the region, and GAAMHA community based adult day program. All four of these organizations have previously worked together, but by bringing them together all under one roof, they can grow and expand their services, work more closely and efficiently with each other, and better serve our residents. I would be remiss if I did not give a special thank you to Representative Zlotnik for his partnership in this endeavor - both in bringing these stakeholders together and for working to obtain a \$400,000 appropriation from the Legislature for this project.*

*Utilizing Community Development Block Grant Funding, the Greenwood Indoor Pool Building and the former Rome Furniture Building on the corner of Main Street and Willow Street are coming down.*



## SPECIAL MEETING OF JANUARY 10, 2023

*The construction of a new pavilion at the Greenwood Pool site and the work being done to transform the former National Grid site into a waterfront park will improve one of Gardner's most cherished recreational areas.*

*The work planned for Rear Main Street will break ground this spring. Utilizing over \$6 million from the Commonwealth's MassWorks Grant Program, this area with so much potential will soon have a new 160-space parking lot, event plaza, food truck parking, picnic area, amphitheater seating, fountain, shade pavilion, increased public art opportunities, and more.*

*All of which will compliment the new residential building that will be constructed on Rear Main Street- adding around 100 new market rate apartments.*

*Work will begin this spring to renovate the locations of Maki, Orpheum, and Chair City Parks to include outdoor seating options, fountains, historical information markers, and community gathering spaces.*

*Our five phase infrastructure improvement project will be entering its third phase this year with new lighting, sidewalks, and pedestrian safety improvements being made along the perimeter of Monument Park and Park Street to Crystal Lake Drive.*

*We have also begun studying the feasibility and merits of extending our infrastructure improvements to South Gardner Village Center, including a plan to move the overhead utility wires to underground conduits.*

CLOSING

*The work that we've done and the successes that we've achieved are entirely thanks to the teamwork that our officials at all levels have displayed. I would like to thank the members of our City Council, School Committee, our legislative delegation, and all our partners in government for constantly coming together to build a community we can be proud to call our home.*

*This is how government should work. Far too often, people view holding political office as theater, with their foremost responsibility clicks on social media, and their foremost motivator personal gain. However, that's not the case here. Regardless of how things are done elsewhere, when a problem in Gardner arises, we come together, find a solution, and do what needs to be done. To compete against our region, and others, both near and far in an ever increasing global economy, Gardner needs to be a well oiled machine.*

CITY OF GARDNER



MASSACHUSETTS

SPECIAL MEETING OF JANUARY 10, 2023

*As we move into this new year, and the next century in our City's history, I look forward to us continuing to work together and setting an example for others to follow.*

*I'd like to leave you with the words that Mayor Pearson used to closed the City's first inaugural address 100 years ago:*

*"Let us resolve to lend our energies to make the City of Gardner a leader in the Commonwealth. Its advancement can be accomplished by holding true to high ideals, by keeping mutual faith and by a spirit of honest and intelligent citizenship."*

*God Bless you all, God Bless this great City, God Bless the Commonwealth of Massachusetts, and God Bless America.*

#### **ADJOURNMENT**

On a motion by Councilor George Tyros, and seconded by Councilor Aleksander Dernalowicz, it was voted viva voce, eight (8) yeas, President Elizabeth Kazinskas and Councilors James Boone, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, George Tyros, and James Walsh to adjourn at 7:25 p.m.

**REGULAR MEETING OF JANUARY 17, 2023**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Tuesday evening, January 17, 2023.

**CALL TO ORDER**

Council President Elizabeth 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. Nine (9) Councillors were present including Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, George Tyros, and James Walsh. Councillor Judy Mack was absent.

**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**

On a motion made by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to waive the reading and accept the MINUTES of October 3, 2022 Regular Meeting.



REGULAR MEETING OF JANUARY 17, 2023

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**COMMUNICATIONS FROM THE MAYOR**  
**APPOINTMENTS****#10878**

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to PLACE ON FILE, *A Measure Confirming the Mayor's Appointment of John M. Flick, to the position of City Solicitor, for term expiring January 3, 2024.*

**#10879**

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to place on file, *A Measure Confirming the Mayor's Appointment of Rachel J. Roberts, to the position of Executive Secretary, for term expiring January 3, 2024.*

**#10880**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to refer to the Appointments Committee for further study and report, *A Measure Confirming the Mayor's Appointment of Leonette Roy, to the position of Housing Authority Member, for term expiring December 27, 2027.*

**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS****#10881**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Ronald Cormier, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to refer to the Finance Committee for further study and report, *An Order Appropriating \$134,500.00 From Free Cash to FAA Airport Runway and Taxiway System – City Portion.*

REGULAR MEETING OF JANUARY 17, 2023

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PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**#10882**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to refer to the Public Safety Committee for further study and report, *An Application for Motor Vehicle Dealers License, Class II, Gardner Five Star Auto Sales, 407 Chestnut Street.*

**#10883**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to refer to the Public Safety Committee for further study and report, *An Application for Motor Vehicle Dealers License, Class II, Riverside Auto, 65 Riverside Road.*

**#10884**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to refer to the Public Safety Committee for further study and report, *An Application for Motor Vehicle Dealers License, Class III, Riverside Auto, 65 Riverside Road.*

**#10885**

On a motion made by Councillor Ronald Cormier and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh refer to Finance Committee for further study and report, *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.*



REGULAR MEETING OF JANUARY 17, 2023

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REPORTS OF STANDING COMMITTEES  
APPOINTMENTS COMMITTEE

**#10872**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to CONFIRM the President's Appointment:

A Measure Confirming the Council President's Appointment of **Jennifer Zlotnik Pelavin**, Esq., to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council.

**#10873**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to CONFIRM the Presidents Appointment:

*A Measure Confirming the Council President's Appointment of **Alan L. Agnelli**, to the position of Special Act Charter Drafting Committee Member, for term expiring upon submission to City Council.*

**#10875**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Neil Janssens**, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council.

**#10876**

On a motion made by Councillor George Tyros and seconded by Councillor James Walsh, it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros, and James Walsh to CONFIRM the Mayor's Appointment:

REGULAR MEETING OF JANUARY 17, 2023

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A Measure Confirming the Mayor's Appointment of **Tina Griffin**, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council.

**#10877**

On a motion made by Councillor George Tyros and seconded by Councillor Aleksander Dernalowicz, it was voted viva voce, eight (8) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, and George Tyros to CONFIRM the Mayor's Appointment:

A Measure Confirming the Mayor's Appointment of **Robert Rice, Esq.**, to the position of Special Act Charter Drafting Committee, for term expiring upon submission to City Council.

Councillor James Walsh abstained from the vote.

**REPORTS OF STANDING COMMITTEES****SAFETY COMMITTEE****#10861**

Councillor Craig Cormier requested more time on *An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street."*

There was no objection. More time was granted.

**NEW BUSINESS**

Councillor Dana Heath would like to congratulate the Wildcat Cheerleaders who made nationals and will be heading to Florida.

Councillor Craig Cormier mentioned that there will be a public hearing next Wednesday, regarding Regan Street being a one-way.

Councillor James Bonne thanks Councillor Craig Cormier for having a public hearing.

Councillor Ronald Cormier thanks the Mayor and the President for choosing the members of the Charter Drafting Committee.



REGULAR MEETING OF JANUARY 17, 2023

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**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor James Boone and seconded by Councillor Craig Cormier it was voted viva voce, nine (9) yeas, President Elizabeth Kazinskas and Councillor James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, George Tyros and James Walsh to adjourn at 7:43 p.m.

Accepted by the City Council:

UNACCEPTED / UNCORRECTED PROOF



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**REGULAR MEETING OF FEBRUARY 6, 2023**

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Regular Meeting of the City Council was held in the Council Chambers, Room 219, City Hall, on Monday evening, February 6, 2023.

**CALL TO ORDER**

Council President Elizabeth 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. Nine (9) Councillors were present including Councillors James Boone, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh. One (1) Councillor attended the meeting via telephone conference, Ronald Cormier.

**WARD 3 COUNCILLOR APPOINTMENT****#10889**

President Elizabeth Kazinskas announced the Ward 3 Councillor appointment for term expiring January 1, 2024. The City Clerk's Office has received 4 letters of interests:

- Michael Cormier, 64 Jean Street
- Jeffery Palmieri, 69 Greenwood Street
- Anthony Richard, 296 Parker Street
- Paul Tassone, 52 Church Street

President Elizabeth Kazinskas opened the nominations for Ward 3 Councillor.

Councillor James Boone nominates Paul Tassone for Ward 3 Councillor.

Councilor Judy Mack nominates Anthony Richard for Ward 3 Councillor.

There being no further nominations, President Elizabeth Kazinskas entertained a motion to close nominations.

On a motion by Councillor James Walsh and seconded by Councillor James Boone, it was voted on call of the roll, nine (9) yeas, James Boone, Craig Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Elizabeth Kazinskas, Judy Mack, George Tyros, and James Walsh, to close nominations.

On call of the roll:

REGULAR MEETING OF FEBRUARY 6, 2023

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Councillor James Boone voting PAUL TASSONE  
Councillor Craig R. Cormier voting for PAUL TASSONE  
Councillor Ronald Cormier voting for PAUL TASSONE  
Councillor Aleksander H. Dernalowicz voting for PAUL TASSONE  
Councillor Karen G. Hardern voting for PAUL TASSONE  
Councillor Dana M. Heath PAUL TASSONE  
Councillor Judy A. Mack voting for ANTHONY RICHARD  
Councillor Elizabeth J. Kazinskas ABSTAINED  
Councillor George C. Tyros voting for PAUL TASSONE  
Councillor James M. Walsh voting for PAUL TASSONE

A brief recess was taken to administer the oath of office for Paul Tassone.

Meeting resumed \_\_\_\_\_

**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**

On a motion made by Councillor Ronald Cormier and seconded by Councillor James Walsh, it was voted on call of the roll, ten (10) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, George Tyros, and James Walsh to waive the reading and accept the



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**REGULAR MEETING OF FEBRUARY 6, 2023**

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MINUTES of October 17, 2022 Regular Meeting and November 7, 2022 Joint Public Hearing with Planning Board.

Councillor Paul Tassone abstained.

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

**#10886**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor James Walsh, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros, and James Walsh to place on file, *A Notification from the Mayor Regarding Free Cash Appropriation Proposals*.

**COMMUNICATIONS FROM THE MAYOR**  
**ORDERS**

**#10887**

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

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.

**#10888**

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





## REGULAR MEETING OF FEBRUARY 6, 2023

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.

**REPORTS OF STANDING COMMITTEES**

**FINANCE COMMITTEE**

**#10881**

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

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 Airport Runway and Taxiway System – City Portion.

REGULAR MEETING OF FEBRUARY 6, 2023

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**#10885**

On a motion made by Councillor Aleksander Dernalowicz and seconded by Councillor Dana Heath, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros, and James Walsh to refer *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*, to the Committee of the Whole

**REPORTS OF STANDING COMMITTEES****APPOINTMENTS COMMITTEE****#10880**

Councillor George Tyros requested MORE TIME on *A Measure Confirming the Mayor's Appointment of Leonette Roy, to the position of Housing Authority Member, for term expiring December 27, 2027.*

There being no objection, more time was granted.

**REPORTS OF STANDING COMMITTEES****SAFETY COMMITTEE****#10861**

Councillor Craig Cormier requested more time on *An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street."*

There was no objection. More time was granted.

**#10882**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros, and James Walsh to GRANT, *An Application for Motor Vehicle Dealers License, Class II, Gardner Five Star Auto Sales, 407 Chestnut Street.*

REGULAR MEETING OF FEBRUARY 6, 2023

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**#10883**

On a motion made by Councillor Craig Cormier and seconded by Councillor Karen Hardern, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros, and James Walsh to GRANT, *An Application for Motor Vehicle Dealers License, Class II, Riverside Auto, 65 Riverside Road.*

**#10884**

On a motion made by Councillor Craig Cormier and seconded by Councillor James Boone, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros, and James Walsh to GRANT, *An Application for Motor Vehicle Dealers License, Class III, Riverside Auto, 65 Riverside Road.*

**NEW BUSINESS**

Councillor Dana Heath would like to congratulate Mr. Paul Tassone on his election of Ward 3 Councillor. He would also like to thank Mr. Anthony Richard for “putting his name in the ring” Ward 3 Councillor. He has known Mr. Richard for a long time.

Councillors George Tyros, Aleksander Dernalowicz, Judy Mack, Craig Cormier, Karen Hardern, James Walsh and Elizabeth Kazinskas, all would like to thank those who showed interest in applying for the Ward 3 vacancy and congratulations to Mr. Tassone.

Councillor Paul Tassone would like to thank everyone who voted for his election for Ward 3 Councillor and thank those who applied and show interest for the position.

Councillor Walsh encourages residents to seek an election term for office for those who are interested this fall.

**CLOSING PRAYER**

President Elizabeth Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion made by Councillor Judy Mack and seconded by Councillor Paul Tassone, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James



REGULAR MEETING OF FEBRUARY 6, 2023

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Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Dana Heath, Judy Mack, Paul Tassone, George Tyros, and James Walsh to adjourn at 8:03 p.m.

Accepted by the City Council:

UNACCEPTED / UNCORRECTED PROOF

## CITY OF GARDNER INFORMAL MEETING OF FEBRUARY 21, 2023 IN CITY COUNCIL CHAMBERS

Informal Meeting of the City Council was held in the City Council Chambers, 2 nd Floor, City Hall, on Tuesday evening, February 21, 2023.

CALL TO ORDER Council President Kazinskas called the meeting to order at 6:15 o'clock p.m.

ATTENDANCE Councillors present were President Elizabeth Kazinskas and Councillors Ronald Cormier, Aleksander Dernalowicz, George Tyros, James Walsh, Paul Tassone, Karen Hardern and Judy Mack. Councilors absent were James Boone, Dana Heath, and Craig Cormier.

President Kazinskas announced "For the public watching this evening we are meeting informally tonight regarding Agenda Item 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 Councilors. This item was in the City Council and Referred to the Finance Committee 1/17/2023; Referred to Committee of the Whole 2/6/2023. Regarding tonight's informal meeting topic, we have included a letter and proposal from Councilor Mack from June 2022. The City Council voted at our August 1, 2022 meeting to revisit this item in January 2023. I recently put in a new proposal to be considered at the City Council's Regular Meeting this evening which we may vote on if we so choose. I would like to note that this item, the salary schedule, is being considered at this time per City Ordinance. It is Chapter 171, Yearly Salaries for Various Positions. For the public watching,

"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."

I just wanted to make sure that those watching are aware we do have a City Ordinance for year salaries. The informal meeting discussion is now open. I do have information which I'd like to share about the proposal, which is in the packet I put forward.

- This proposal represents a 1 percent increase for each year since the last time a pay raise was given, and 1 percent for each year of the upcoming term. The last pay raise was January 2018.
- The item would not go into effect until January 2024, when the new elected city officials are sworn in.
- This item would not affect the current council.

- Adds Acting Mayor to the Compensation Schedule. We saw 2 Acting Mayors in 2020. It compensates that position with the weekly pay the Mayor would receive.
- The same raise was given to all position across the board
- The current Mayor's salary is \$92, 196. The raise would constitute \$7,640, or 8.2 %
- The Council President's salary goes up by \$887.15
- City Counselor's raise would be \$607.01
- All of these reflect an 8.2 % raise
- The increase is large because there has not been a pay raise since 2018
- The Nicholson Administration has brought a substantial amount of revenue to the City in grants, ect.
- In this sense, the Mayor's raise pays for itself
- Councilor raises are smaller
- I support these raises, as we are in a good financial position to do so

Councilor Mack expressed her appreciation for President Kazinskas' proposal.

- The Mayor's salary has been stagnant for too long.
- We are doing this in conjunction with a salary survey for non-union employees
- The responsibilities of the Mayor have changed over the years
- We want to incentivize people to occupy the position in the future
- My proposal was 2 percent annually for City Council and School Committee, and \$15,000 spread over 3 years for the Mayor
- I endorse Counselor Kazinskas proposal as fair and equitable and look forward to discussion

Councilor Walsh asked what the recommendation of the Finance Committee was regarding the Mayor's salary, per their duties in City Ordinance Chapter 171.

Councilor Ron Cormier replied that the Finance Committee has taken no action regarding President Kazinskas' proposal.

Councilor Walsh expressed a desire to the Finance Committee' recommendation in compliance with the ordinance, but expressed general support for the proposal, particularly in regards to a salary for the Acting Mayor. However, he did not think the salary should be the same as that of the Mayor, noting the limits of that position's authority. He proposed 75 percent instead.

Councilor Ron Cormier expressed his willingness for the Finance Committee to take up the item. He also advocated a system in which pay raises are addressed on an annual basis, in order to avoid the large sums being proposed. He reiterated the Council was not voting on its own raises, but rather the positions themselves.

Councilor Mack expressed support for all city salaries being on a step scale. She expressed support for installing a cost of living increase.

Councilor Ron Cormier agreed with Councilor Mack.

Councilor Walsh noted that the ordinance in question was amended in order to address the need for regular pay raises

Councilor Tyros expressed his agreement with his colleagues. He said the item in question was largely a matter of catching up, and that the Council should consider it separately from the salary study being conducted. He said this raise was long overdue, and that jaws would hit the floor if these positions were included in the salary study.

Councilor Tassone said he looked forward to hearing what the Finance Committee was going to present to the full Council. He said he certainly thought there was room for an increase, particularly in regards to the Mayor's salary.

Councilor Dernalowicz said that if the Council did not address the issue now, it would be until 2026 that they did so, which would be nearly a decade since the last raise, and the increase would be even larger. He noted they could not keep kicking the can down the road. He noted the upcoming election gave other people the opportunity to occupy these positions.

The Informal Meeting then concluded.

## REGULAR MEETING OF FEBRUARY 21, 2023

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

ATTENDANCE Councillors present were President Elizabeth Kazinskas and Councillors Ronald Cormier, Aleksander Dernalowicz, George Tyros, James Walsh, Paul Tassone, Karen Hardern, Judy Mack, James Boone, and Dana Heath. Councilor Craig Cormier was absent.

President Kazinskas led the Council in reciting the Opening Prayer.

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

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

No minutes were present.

### VIII. COMMUNICATIONS FROM THE MAYOR

#### APPOINTMENTS

10905

On a motion made by Councillor Geroge Tyros and seconded by Councillor James Walsh, it was voted viva voce, ten (10) yeas, President Elizabeth Kazinskas and Councillor James Boone, Ronald Cormier, Aleksander Dernalowicz, Dana Heath, George Tyros, James Walsh, Judy Mack, Paul Tassone, and Karen Hardern to refer the following item to the Appointments Committee: A Measure Confirming the Mayor's Appointment of Robert Charland, Esq. to the position of Assistant City Solicitor, for a term expiring January 1, 2024. (Appointments Committee)

#### ORDERS

10894 – An Order Appropriating \$60,000.00 from Free Cash to the Mayor's Department – Professional Services Account. (Finance Committee)



Councilor Dernalowicz noted the Central Massachusetts Regional Planning Commission's suitability to seek grants on behalf of the city, and noted the Finance Committee was in favor of the order.

Councilor Ron Cormier noted there were 2,700 possible grants able to be obtained by the City through ARPA funding, and noted the Finance Committee felt it wouldn't be long until the appropriation paid for itself.

Councilor James Walsh noted that the Council did not yet have a scope of services for the contract with CMRPC

Councilor James Boone agreed with Councilor Walsh that there were already City employees who wrote grant applications as part of their duties, and agreed with the notion that the Council needed more time.

Councilor George Tyros expressed concern that the City would miss out on grants by delaying several weeks.

Councilor Ron Cormier agreed that time was of the essence.

Councilor Dernalowicz reiterated that it was likely the appropriation would pay for itself and that time was of the essence.

Councilor Tassone noted that CMRPC would provide one centralized point of contact for grant writing for the City, and expressed his support.

A motion made by Councilor James Walsh and seconded by Councilor Ronald Cormier to refer the item back to the Finance Committee was passed, with a vote of seven (7) yeas, including President Elizabeth Kazinskas and Councilors James Walsh, Karen Hardern, Paul Tassone, James Boone, Judy Mack, and Dana Heath and three (3) nays, including councilors Ronald Cormier, Aleksander Dernalowicz, and George Tyros.

10895 – An Order Appropriating \$150,000.00 from Free Cash to the Fire Department – New Equipment for Truck Account. (Finance Committee; Public Safety Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, the motion was passed by a roll-call vote of ten (10) yeas.

ORDINANCES 10896 – An Ordinance to Amend the Code of the City of Gardner, Chapter 22, entitled "Assessing Department." (Finance Committee)

On a motion made by Councilor Aleksander Dernalowicz and seconded by Councilor Ron Corimer, it was voted viva voce, ten (10) yeas, to send the item to first printing.

10890 – An Ordinance to Amend the Code of the City of Gardner, Section 2 of Chapter 13, entitled “Council on Aging- Membership; Terms of Office.” (Welfare Committee)

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to first printing.

10891 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140 (Welfare Committee; Public Hearing Required)

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to the Planning Board and schedule a public hearing.

10892 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to add “Sports Betting” to the Zoning Table of Uses. (Welfare Committee; Public Hearing Required)

Councilor Boone expressed that he hoped the Welfare Committee was not trying to avoid bringing money into Gardner. He noted Massachusetts has been behind in allowing sports betting, and expressed hope for future revenue from sports betting. Councilor Heath thanked the Mayor for being proactive in securing the rights to sports betting.

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to the Planning Board and schedule a public hearing.

10893 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to increase the quote allowed by the Code of the City of Gardner. (Welfare Committee; Public Hearing Required)

On a motion made by Councilor Judy Mack and seconded by Councilor Dana Heath, it was voted viva voce, ten (10) yeas, to send the item to the Planning Board and schedule a public hearing.

10906 – An Ordinance to Amend the Code of the City of Gardner, by adding a new Chapter 502, to be entitled “Mobile Food Operations,” which Chapter Provides for the Regulations for Food Operating Food Truck Services in the City. (Public Safety Committee)

On a motion made by Councilor Paul Tassone and seconded by Councilor Karen Hardern, it was voted viva voce, ten (10) yeas, to refer the item to the Public Safety Committee.

COMMUNICATIONS

10897 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 28 Central Street. (Finance Committee)

Councilor Walsh noted the City Engineer explained these measures were required by the Department of Transportation, who are largely funding the Uptown Rotary project, and noted the necessity of this measure.

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10898 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 13 Elm Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10899 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 22 Elm Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10900 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 23 Elms Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10901 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 9 Green Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10902 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 15 Green Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10903 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 12 Pearl Street. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

10904 – An Order of Taking for Easements (temporary and/or permanent) by Eminent Domain for the Purpose of the Uptown Rotary Construction – 16 Woodland Avenue. (Finance Committee)

On a motion made by Councilor Ron Cormier and seconded by Councilor Aleksander Dernalowicz, it was voted to pass the order by a roll-call vote of ten (10) yeas.

#### IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10907 – A Petition by National Grid to install new hand hole in accordance with the plan filed herewith marked – Edgell Street – to install new hand hole at the edge of the 69 Edgell Street property at approximately (42.577342, -71.982237). Install 2-3” conduit from pole 6, Edgell Street to new hand hole. (Public Service Committee; Public Hearing Required)

On a motion made by Councilor James Walsh and seconded by Councilor George Tyros, it was voted viva voce, ten (10) yeas, to refer the item to the Service Committee and for a Public Hearing to be scheduled.

10908 – A Petition by National Grid and Verizon New England, Inc. – Edgell Street – to Relocate 1 jointly owned pole on Edgell Street beginning at a point approximately 300 feet east of the centerline of the intersection of Westford Street and Edgell Street. Relocate Pole #8 approximately 45’ east of its current location. (Public Service Committee; Public Hearing Required)

On a motion made by Councilor James Walsh and seconded by Councilor George Tyros, it was voted viva voce, ten (10) yeas, to refer the item to the Service Committee and for a Public Hearing to be scheduled.

10909 – A Petition by National Grid and Verizon New England, Inc. – Cross Street – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross Street. (Public Service Committee; Public Hearing Required)

On a motion made by Councilor James Walsh and seconded by Councilor George Tyros, it was voted viva voce, ten (10) yeas, to refer the item to the Service Committee and for a Public Hearing to be scheduled.

#### X. REPORTS OF STANDING COMMITTEES

##### 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; More Time 2/6/2023)

On a motion made by Councilor George Tyros and seconded by Councilor James Walsh, it was voted viva voce, ten (10) yeas, to confirm the Mayor’s appointment.

#### 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; More Time 2/6/2023)

Per a request by Councilor Paul Tassone, the Public Safety Committee was granted more time to consider the item.

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

##### COMMITTEE OF THE WHOLE

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 1/17/2023; Referred to Committee of the Whole 2/6/2023; Informal Meeting 2/21/2023 @ 6:15 PM)

On a motion made by Councilor James Walsh and seconded by Councilor Judy Mack, it was voted viva voce, ten (10) yeas, to refer the item back to the Finance Committee for further study and recommendation.

#### XII. NEW BUSINESS

Councilor Heath noted he had recently met with the Chief of Police and that he was very excited about several recruits that were coming to the Police Department, and noted that he knew several of them.

Councilor Boone apologized to the Public Welfare Committee, noting his son was a big proponent of sports betting.

Councilor Tassone commended the energy he saw regarding Gardner High sports teams the previous night.



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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March 6, 2023

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

RE: Notification regarding FY2024 Chapter 90 Funding

Dear Madam President and Councilors,

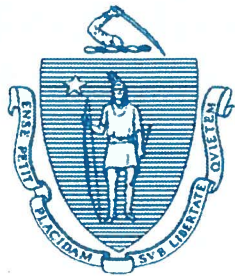
As I have done several times in the past, I am writing to notify you that the City received notification regarding our Chapter 90 allotment for the upcoming fiscal year from the Healey-Driscoll Administration.

Bonding by the Commonwealth under Chapter 90 of the General Laws provides funding to municipalities for the implementation of capital improvements on local public ways.

The official award letter, pending approval by the State Legislature, is attached to this correspondence.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE BOSTON, MA 02133  
(617) 725-4000

**MAURA T. HEALEY**  
GOVERNOR

**KIMBERLEY DRISCOLL**  
LIEUTENANT GOVERNOR

February 28, 2023

Michael J. Nicholson  
Gardner Mayor  
95 Pleasant St  
Gardner, MA 01440

Dear Mayor Nicholson,

We are pleased to announce that under the new administration of Governor Maura Healey and Lieutenant Governor Kim Driscoll, a total of \$400 million for Fiscal Year 2024 and Fiscal Year 2025 has been filed for the MassDOT Chapter 90 Program to support local infrastructure across the Commonwealth's 351 cities and towns over the next two years.

While transition and planning are underway, this filing demonstrates the Administration's continued support in strengthening municipal partnerships and providing financial resources that support transportation improvements at the local level.

**This letter certifies that, contingent upon legislative approval of the \$200 million annual bond authorization, Gardner's Chapter 90 apportionment for Fiscal Year 2024 is \$595,698.45.**

Once the bill is enacted, this apportionment will automatically be incorporated into your existing Chapter 90 contract with MassDOT with no further action needed by the municipality. Apportionments for all communities are available online at [www.mass.gov/chapter-90-program](http://www.mass.gov/chapter-90-program). Please note that while the bill enacting these funds has been filed, the funds are not available for municipal use until final legislative approval is obtained.

The Chapter 90 Program is an integral part of maintaining and enhancing your community's infrastructure and is an essential component of our state-local partnership. We look forward to working with you in the coming year to continue the success of this program.

Sincerely,

Handwritten signature of Maura T. Healey in blue ink.

GOVERNOR MAURA T. HEALEY

Handwritten signature of Kimberley Driscoll in blue ink.

LT. GOVERNOR KIMBERLEY DRISCOLL



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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March 3, 2023

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

RE: Notification of Preliminary Cherry Sheet Figures for FY2024

Dear Madam President and Councilors,

On March 1, 2023, Governor Healey filed her budget for the Commonwealth for the 2024 Fiscal Year.

Initial figures regarding local aid and assessments and charges for the City to the Commonwealth have been released. I have attached a copy of the current "Cherry Sheet" record for the City for your information.

In her budget proposal, Governor Healey fully funded the Student Opportunity Act, increasing Gardner's Chapter 70 aid by over \$4.1 million.

Overall our local aid appears to be increasing and our charges and assessments are decreasing, which is very positive for the City.

I will be sure to keep the Council updated as things progress through the State's budget cycle.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner





MA Department of Revenue  
Division of Local Services  
Preliminary Municipal Cherry Sheet Estimates  
Data current as of 2/23/2023

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 Select a Fiscal Year: **2024** ▼

 Select a Municipality: **Gardner** ▼



FY2024 Preliminary Cherry Sheet Estimates  
Gardner

**Estimated Receipts** Estimated Assessments & Charges

| PROGRAM                                 | FY2023 Cherry Sheet Estimate | FY2024 Governor's Local Aid Proposal | FY2024 HWM Budget Proposal | FY2024 SWM Budget Proposal | FY2024 Conference Committee |
|-----------------------------------------|------------------------------|--------------------------------------|----------------------------|----------------------------|-----------------------------|
| <b>County Assessments:</b>              |                              |                                      |                            |                            |                             |
| County Tax                              | 0                            | 0                                    |                            |                            |                             |
| Suffolk County Retirement               | 0                            | 0                                    |                            |                            |                             |
| <b>Sub-Total, County Assessments:</b>   | 0                            | 0                                    |                            |                            |                             |
| <b>State Assessments and Charges:</b>   |                              |                                      |                            |                            |                             |
| Retired Employees Health Insurance      | 0                            | 0                                    |                            |                            |                             |
| Retired Teachers Health Insurance       | 0                            | 0                                    |                            |                            |                             |
| Mosquito Control Projects               | 69,138                       | 69,340                               |                            |                            |                             |
| Air Pollution Districts                 | 5,164                        | 5,358                                |                            |                            |                             |
| Metropolitan Area Planning Council      | 0                            | 0                                    |                            |                            |                             |
| Old Colony Planning Council             | 0                            | 0                                    |                            |                            |                             |
| RMV Non-Renewal Surcharge               | 34,560                       | 27,900                               |                            |                            |                             |
| <b>Sub-Total, State Assessments:</b>    | 108,862                      | 102,598                              |                            |                            |                             |
| <b>Transportation Authorities:</b>      |                              |                                      |                            |                            |                             |
| MBTA                                    | 0                            | 0                                    |                            |                            |                             |
| Boston Metro. Transit District          | 0                            | 0                                    |                            |                            |                             |
| Regional Transit                        | 232,531                      | 257,030                              |                            |                            |                             |
| <b>Sub-Total, Transp Authorities:</b>   | 232,531                      | 257,030                              |                            |                            |                             |
| <b>Annual Charges Against Receipts:</b> |                              |                                      |                            |                            |                             |
| Multi-Year Repayment Program            | 0                            | 0                                    |                            |                            |                             |
| Special Education                       | 4,994                        | 16,799                               |                            |                            |                             |
| <b>Sub-Total, Annual Charges:</b>       | 4,994                        | 16,799                               |                            |                            |                             |
| <b>Tuition Assessments:</b>             |                              |                                      |                            |                            |                             |
| School Choice Sending Tuition           | 1,364,171                    | 1,293,205                            |                            |                            |                             |
| Charter School Sending Tuition          | 387,616                      | 325,962                              |                            |                            |                             |
| <b>Sub-Total, Tuition Assessments:</b>  | 1,751,787                    | 1,619,167                            |                            |                            |                             |
| <b>Total All Estimated Charges:</b>     | <b>2,098,174</b>             | <b>1,995,594</b>                     |                            |                            |                             |

Questions or Assistance Please Email The Municipal Databank at : [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us)


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 Select a Fiscal Year: 

 Select a Municipality: 



## FY2024 Preliminary Cherry Sheet Estimates Gardner

Estimated Receipts **Estimated Assessments & Charges**

| PROGRAM                                   | FY2023 Cherry Sheet Estimate | FY2024 Governor's Local Aid Proposal | FY2024 HWM Budget Proposal | FY2024 SWM Budget Proposal | FY2024 Conference Committee |
|-------------------------------------------|------------------------------|--------------------------------------|----------------------------|----------------------------|-----------------------------|
| <b>Education Receipts:</b>                |                              |                                      |                            |                            |                             |
| Chapter 70                                | 23,307,399                   | 27,428,246                           |                            |                            |                             |
| School Transportation                     | 0                            | 0                                    |                            |                            |                             |
| Charter Tuition Reimbursement             | 104,097                      | 35,802                               |                            |                            |                             |
| Smart Growth School Reimbursement         | 0                            | 0                                    |                            |                            |                             |
| <b>Offset Receipts:</b>                   |                              |                                      |                            |                            |                             |
| School Choice Receiving Tuition           | 801,909                      | 868,446                              |                            |                            |                             |
| <b>Sub-Total, All Education Items:</b>    | <b>24,213,405</b>            | <b>28,332,494</b>                    |                            |                            |                             |
| <b>General Government:</b>                |                              |                                      |                            |                            |                             |
| Unrestricted Gen Gov't Aid                | 4,908,726                    | 5,006,901                            |                            |                            |                             |
| Local Share of Racing Taxes               | 0                            | 0                                    |                            |                            |                             |
| Regional Public Libraries                 | 0                            | 0                                    |                            |                            |                             |
| Veterans Benefits                         | 494,590                      | 401,766                              |                            |                            |                             |
| Exemp: VBS and Elderly                    | 69,794                       | 71,296                               |                            |                            |                             |
| State Owned Land                          | 77,805                       | 92,638                               |                            |                            |                             |
| <b>Offset Receipts:</b>                   |                              |                                      |                            |                            |                             |
| Public Libraries                          | 68,055                       | 76,115                               |                            |                            |                             |
| <b>Sub-Total, All General Government:</b> | <b>5,618,970</b>             | <b>5,648,716</b>                     |                            |                            |                             |
| <b>Total Estimated Receipts:</b>          | <b>29,832,375</b>            | <b>33,981,210</b>                    |                            |                            |                             |

Questions or Assistance Please Email The Municipal Databank at : [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us)



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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March 3, 2023

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

RE: Authorization for an Intermunicipal Agreement for Sewer Services with the Town of Ashburnham

Dear Madam President and Councilors,

The City of Gardner currently provides wastewater collection, treatment, and disposal services for the Towns of Ashburnham and Templeton.

Attached, please find an intermunicipal agreement to continue these services between the City of Gardner and the Town of Ashburnham.

I respectfully request that the City Council vote to authorize the Administration to enter into this agreement. If authorized, the City would then send this document to the Town of Ashburnham for their Select Board to review and authorize for signature by their Town Administrator.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AUTHORIZING AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE CITY OF GARDNER AND  
THE TOWN OF ASHBURNHAM  
FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL

VOTED: To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Ashburnham for the purpose of providing wastewater collection, treatment and disposal among the two communities, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

**Intermunicipal Agreement**  
**For**  
**Wastewater collection, Treatment, and Disposal**  
**Between**  
**City of Gardner, Massachusetts**  
**And**  
**Town of Ashburnham, Massachusetts**

**Preamble**

THIS AGREEMENT made and entered into this \_\_\_\_ day of February, 2022, and executed in quadruplicate (each executed copy constituting an original) between the City of Gardner (hereinafter "Gardner") a Massachusetts' municipal corporation with a principal place of business at City Hall, 95 Pleasant Street, Gardner, Massachusetts 01440, acting by and through its Mayor and the Town of Ashburnham (hereinafter "Ashburnham"), a Massachusetts' municipal corporation with a principal place of business at Town Hall, 32 Main Street, Ashburnham, Massachusetts 01430, acting by and through its Board of Selectmen.

WITNESSETH;

WHEREAS, Gardner owns and operates a wastewater treatment system; and

WHEREAS, Ashburnham maintains a sewer system serving the parts of Ashburnham known as Ashburnham Center and South Ashburnham and it wishes that such effluent to be pumped to the Gardner Wastewater Treatment Facility (hereinafter "Facility"); and

WHEREAS, Gardner, in and under the terms and conditions as listed herein, desire to sell sewage disposal capacity to Ashburnham; and

WHEREAS, Ashburnham, in and under the terms and conditions as listed herein, desires to purchase sewage disposal capacity from Gardner; and

WHEREAS, the parties recognize that Gardner must implement and enforce a pretreatment program to control discharges from certain uses of its wastewater treatment system under the Clean Water Act, 42 U.S.C. Section 1251, et seq. and requirements set forth at 40 CFR Part 403, and

WHEREAS, the parties are authorized by Chapter 40, Section 4 and 4A of the General Laws to enter into an Intermunicipal Agreement for the purpose of Gardner supplying sewage disposal to the Town of Ashburnham, subject to authorization by the Mayor and the Gardner City Council and Ashburnham Town Meeting;

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:



## 1. **Term/Purpose/Intent**

- 1.1. The term of this Agreement shall be for a period of five (5) and from date hereof, unless sooner terminated as herein provided. The parties intend that the municipal corporations entering into this Agreement are the sole and exclusive beneficiaries of the Agreement. Subject to the terms and limits of this Agreement and of applicable state and federal law, Gardner acting through its Department of Public Works will provide sewer service to Ashburnham in consideration for payment of applicable sewer use rates and fees.
- 1.2. This Agreement shall not take effect until it has been authorized by the Mayor and the Gardner City Council and the Ashburnham Town Meeting.
- 1.3. Gardner shall use its best efforts to be at all times in compliance with the National Pollutant Discharge Elimination System (NPDES) permit issued for the facility and to comply with all state and federal laws, regulations, water quality standards, orders, decrees of any state and/or federal governmental authority having jurisdiction over the treatment and disposal of waste waters.
- 1.4. Characteristics of wastewater delivered to the facility by or from Ashburnham shall at all times conform to standards set by the Rules and Regulations of the U.S. Environmental Protection Agency (hereinafter called "EPA") and the Massachusetts Department of Environmental Protection (hereinafter called "MA DEP") and Gardner's Sewer Use Ordinances all as issued and amended from time to time.

## 2. **Amendments**

- 2.1. No officer, official, agent, or employee of Gardner or Ashburnham shall have the power to amend, modify or alter this Agreement or waive any of its provisions to bind Gardner or Ashburnham by making any promise or representation not contained herein except by amendment, in writing, executed by both municipal corporations in the same manner as this Agreement is executed. Neither party may rely on any conduct, statements, actions, inaction or course of conduct of the employees, agents or officers of the other party as having changed, modified or amended this Agreement. Neither party shall be construed as waiving any provision of the Agreement. No waiver by either party or any default or breach shall constitute a waiver of any subsequent default or breach. Forbearance or indulgence in any form or manner by either party shall not be construed as waiver of any term or condition hereto nor shall it limit the legal or equitable remedies available to that party.

## 3. **Assignment**

- 3.1. This Agreement shall not be assigned or transferred by either party, without the express written consent of the other party given with the same formalities as are required for the execution of this Agreement.

## 4. **Hold Harmless/Indemnification**

4.1. To the extent permitted by law, each party hereby agrees to indemnify and save harmless the other party or its officers, agents, representatives and employees against any and all liability or claims or expenses arising from the acts or omissions of the performance or obligations or representations required of or made or omitted by the other party and its agents, officers, representatives and employees under this Agreement, including but not limited to liability deriving from state and federal environmental administrative findings or orders or actions under present or future law or regulations, or claims for damages on account of injury to person, or property or the environment caused by any act or omission of the other party, its officers, agents, representatives or employees or any fine, penalties, or monetary awards which arise out of the other party's actions or omissions under the terms of this Agreement; and this responsibility shall include all costs and counsel and collection fees relating to each party's right to enforce its rights in equity and its rights to seek damages, both of which rights are explicitly acknowledged and agreed to severally and without exclusivity. Furthermore, failure of one party to act as required hereunder shall entitle the other party to immediately do or accomplish the same and assess the cost and expense thereof to the party so failing to act.

5. **Force Majeure**

5.1. No failure or delay in performance shall be deemed to be a breach of this Agreement when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, breakage, or accident to machinery or lines or pipe, the binding order of any court or governmental authority, or any other cause whether of the kind herein enumerated or otherwise not with the control of the party against whom a breach is alleged.

6. **Reports/Records/Rate Schedules**

6.1. Annually, during the first week of February, Ashburnham and Gardner shall mutually exchange records pertinent to the flows from each municipality. The records shall include the average daily flows for each month. The annual flow data will be reconciled against the allocated treatment capacity for the Town and the City. The Town and the City will also furnish data on the expected flows for the upcoming year, the amount of committed but unconnected capacity, and uncommitted capacity.

6.2. Upon Gardner's request, Ashburnham shall expeditiously provide reports and records giving the names and addresses of all Ashburnham's customers and showing the location to which sewage is being accepted, character of occupancy, and the aggregate amount of sewage produced on a monthly basis and any other reports, records, or data reasonably required by Gardner, which are matters of public record, or which are reasonably related to the terms of this Agreement.

6.3. At the end of the fiscal year, and no later than July 31<sup>st</sup> after the close of such fiscal year, Ashburnham shall give Gardner a written copy of prevailing sewer rate schedule as applicable to the sewer consumers serviced by Gardner sewer and shall provide the other

party any other related documents requested by Gardner. The schedule shall also include all rates and relevant information based on which rates have been formulated.

- 6.4. Upon request, Ashburnham shall provide Gardner a written report showing the amount of sewage received from Ashburnham. Each party shall also furnish the other party with sewer system plans, zoning maps, and such other related information as each party may request from the other party from time to time.
- 6.5. Ashburnham shall maintain written records and billing systems from which it can prepare the reports required under this Agreement. Gardner by its officers or employees shall have the right to inspect these original records and systems and to make copies thereof upon request.
- 6.6. Each party shall notify the other party in writing and keep the other party informed of the name and title of its official or officials responsible for sewage services and for implementation of the terms of this Agreement. If Ashburnham fails to do so, it shall be deemed to have designated the Ashburnham Board of Selectmen. If Gardner fails to do so, it shall be deemed to have designated its Mayor.
- 6.7. Annually, prior to the commencement of each fiscal year, Gardner shall provide Ashburnham with an accounting and breakdown of the budgeted costs to operate and maintain the portions of the wastewater collection and treatment facilities being used by Ashburnham. At the end of each fiscal year, a similar breakdown shall be provided indicating actual expenditures, so that appropriate adjustments can be made to the Transport and Treatment billings.
- 6.8. Ashburnham shall be notified of any capital improvements Gardner intends to make that will affect Ashburnham at the earliest possible date. Within forty eight (48) hours of such notification, the Parties shall schedule a meeting to determine the sum and terms of Ashburnham's resultant payment to Gardner. Ashburnham's contribution to a capital improvement shall be a lump sum distribution unless otherwise agreed to by the Parties.
- 6.9. Notwithstanding any provision to the contrary, nothing in this Agreement shall give Ashburnham's users or any other individual or entity rights as a third party beneficiary to this Agreement. Ashburnham shall indemnify and hold Gardner harmless for any liability arising from or relating to any assertion of such rights in accordance with Article 4 of this Agreement.
- 6.10. Ashburnham agrees that within eighteen (18) months of the execution of this Agreement, it will undertake an Inflow and Infiltration study, share the results thereof with Gardner, present a plan of corrective action addressing any issues which are brought to light by said study. Ashburnham agrees that such study will be conducted in accordance with any applicable regulations or guidelines and in accordance with applicable best practices.



## **7. Inspections**

- 7.1. Either party, at its sole cost and expense, has the right to inspect and test any equipment which the other party is required to install and /or maintain under the Agreement or which may affect the other party's wastewater system. Either Party can require the other party to repair and replace any such equipment which is malfunctioning. If either party fails to replace or repair any such item, within a reasonable time under the circumstances and as set forth in written notice to the other party, the party sending notice may do so and bill the other party for the cost thereof. Payment shall be due within thirty (30) days after the party making the repair or replacement mails or delivers a billing statement to the other party.
- 7.2. Each party hereby consents to the other party's entry upon reasonable notice, onto or into such other party's property for the purpose of any such inspections or repairs, installations or tests which may be required under this agreement
- 7.3. Except as expressly set forth herein, Gardner shall not be required to perform any work in Ashburnham for systems in Ashburnham and the entry point to the Gardner system, including but not limited to improvements, maintenance or administration. Ashburnham shall perform, at its sole cost, and as a condition of this Agreement, such improvements, maintenance, repairs and administration between the Ashburnham meter and pump station the entry point to the System. Such work shall be scheduled and performed in accordance with plans and specifications approved in advance in writing by Gardner and in accordance with Gardner's existing or future applicable specifications for the extension or construction of sewer lines.

## **8. Remedies**

- 8.1. In addition to the remedies, power and authority which Gardner or Ashburnham has under its ordinances or by-laws, the following remedies apply:
  - 8.1.1. If either party fails to fulfill any obligation or condition of this Agreement, the other party has the right to terminate this Agreement by giving sixty (60) days' notice, in writing, of its intent to do so. Upon receipt of such notice the party shall have the right to prevent termination by curing the default within thirty (30) days. Termination shall not release Ashburnham from its obligation to pay all bills or sums accrued prior to termination in accordance with this Agreement.
  - 8.1.2. Both parties reserve the right, either in law or equity, by suit, and complaint in the nature of specific performance, or other proceeding, to enforce or compel performance of any or all covenants herein.
  - 8.1.3. Any bill remaining unpaid after the forty-fifth (45<sup>th</sup>) day from the date of billing shall bear interest at the rate of twelve percent (12%) per annum computed from the day the payment was first due.

- 8.1.4. If any administrative, board, commission or division of the state or federal government or any court impairs, alters, restricts or limits, directly or indirectly Gardner's rights, powers or authority to maintain, sell, contract for, or permit sewage disposal as described in this Agreement, and such governmental action was not the result of any omission or action by Gardner, Gardner may terminate and void this Agreement by giving sixty (60) days written notice to Ashburnham. Termination under this clause shall not release Ashburnham from its obligation to pay any sums due and all bills owed for services previously rendered unless to do so would be in violation of a final administrative or judicial decree, order or ruling. The notice of termination shall be given within five (5) business days after Gardner receives written notice of the action or decision of such agency, board, commission, division or court. It is the intent of this notice provision to give Ashburnham as much advance notice as possible consistent with Ashburnham's need to terminate. Gardner shall notify Ashburnham of the formal institution of any proceedings or the issuance of any formal order so that Ashburnham may, if it chooses, participate in such proceedings or challenge any such order.
- 8.1.5. If either party fails to perform any obligation under this Agreement, the other party may perform on behalf of the defaulting party and charge the reasonable costs thereof, including administrative time, to the defaulting party as a sum due under the Agreement provided written notice is given to the defaulting party allowing it a reasonable time to cure the default.
- 8.1.6. Gardner may in its sole discretion immediately stop providing service to Ashburnham:
- 8.1.6.1. If Ashburnham fails to cure any default within thirty (30) days after written notice as provided in Paragraph 8.1(a); or
- 8.1.6.2. If Ashburnham or any consumer utilizing Ashburnham's access to Gardner's sewer system, by act or omission violates or fails to comply with any lawful notice or order of the Director of Public Works permitted or required under EPA's pretreatment regulations or violates any requirement imposed by EPA regulating wastewater discharge, treatment, or pretreatment. In such event, Gardner shall have been deemed to have terminated this Agreement for Cause.
- 8.1.7. Either party may terminate this Agreement without cause, for any reason or no reason, by written notice to the other at least three (3) years in advance of the termination date. Termination shall not release Ashburnham from its obligation to pay all bills or sums due for prior actual use in accordance with this Agreement. The indemnification provisions provided for in this Agreement shall survive such termination.
- 8.1.8. The remedies set forth in this Agreement are separate and cumulative. The election of one does not preclude use of another.

**9. Emergencies**

- 9.1. Each Party shall immediately, within not more than twenty-four (24) hours, notify the other of any emergency or condition in either party's system which may affect wastewater collection, treatment and disposal system in either municipality.
- 9.2. Notwithstanding the provisions of the above article, if Gardner determines that Ashburnham's failure to comply with federal, state, or local law constitutes an emergency, including but not limited to a threat to public health and safety or a violation of EPA and/or DEP permits, Gardner may suspend this Agreement upon such written notice as it deems necessary under the circumstances.

**10. Incorrect Meter Readings**

- 10.1. If Gardner determines that a sewer meter has registered incorrectly, the Director of Public Works shall prepare an estimate of the amount of sewage accepted through the faulty meter for the purpose of billing Ashburnham. The estimate shall be based upon the average of three (3) preceding readings of the meters(s), exclusive of incorrect readings. When less than three (3) correct readings are available, fewer readings, including some obtained after the period of incorrect registration, may be used.

In the event and without limiting the foregoing nor being limited thereby:

- 10.1.1. All methods and means and equipment and placement and use thereof, shall be subject to advance written approval by Gardner;
- 10.1.2. The meter shall be read daily to determine problems or the potential thereof;
- 10.1.3. Monthly reports in a form acceptable to Gardner shall be provided promptly; and
- 10.1.4. The meter(s) shall be appropriately and officially calibrated and their accuracy verified and assured in a manner acceptable to Gardner on an annual basis, or at any other time if Gardner in its discretion determines that there are suspect or extraordinary readings.

**11. Gardner/Ashburnham Employees**

- 11.1. Employees, servants, or agents of their municipality shall not be deemed to be agents, servants, or employees of the other municipality of any purpose including but not limited to either Worker's Compensation or unemployment insurance purposes.

**12. Method of Supply**

- 12.1. Ashburnham agrees to purchase sewage disposal services and capacity from Gardner in accordance with the terms and conditions of this Agreement. Ashburnham shall be entitled to discharge 200,000 gallons per day of Normal Strength Wastewater



into Gardner's sewer collection system at a metered location in Gardner. In addition, all metering and meters in the City of Gardner shall be accessible to and by Gardner, shall be alarmed and monitored by remote telemetry or radio type reading capabilities; and the metering and readings shall be visual on site, and all transmitted readings shall be verified manually and visually at least once per week.

12.2 All wastewater flows expressed or referred to within this Agreement (unless otherwise noted) are monthly average flows, and are computed based upon the most recent calendar month total flow measured at the metered connection, divided by the number of days in the month.

### **13. Use Restriction**

13.1 Ashburnham shall use the sewage capacity furnished under this Agreement solely for its municipal wastewater and for wastewater generated by persons subject to its or Gardner's jurisdictional control and within Ashburnham's corporate limits. Ashburnham shall not permit any sewage capacity furnished hereunder to be used by any person outside of Ashburnham's territorial limits without the express written consent of Gardner in each instance provided Gardner recognizes that the following buildings of the Ashburnham-Westminster Regional School District (of which Ashburnham is a member town) are accepted and acceptable: the Regional High School, Briggs Elementary School, and the new Middle School which is an approved building project.

### **14. Reserved Capacity**

14.1 Gardner agrees to permit Ashburnham to discharge daily flows up to 200,000 gallons per day through connections with the Gardner sewer system during the term of this Agreement. The City of Gardner will consider a request to allow an increase in Ashburnham's capacity allocation of 200,000 gpd, subject to negotiation by the parties, and an appropriate amendment to this agreement. This does not impose on either party any express or implied obligations with regard to the potential negotiations or agreement. Neither party has any added or implied obligations to modify this Agreement.

14.2 This section exists for the purposes of explaining the need for the 200,000 gallons per day of Reserved Capacity, but not for the purpose of interpretation or enforcement of any other provision of this Agreement. The following table presents a preliminary estimate of the demands for wastewater capacity over the next five (5) years.

### **15. Funding and Appropriations – Waste Treatment Facilities Upgrade**

Ashburnham agrees to insert an article in the Ashburnham and (INSERT DATE) Annual Town Meeting Warrant and affirmatively recommend that the Ashburnham Town Meeting appropriate annually (DATES?) sufficient money to pay for Ashburnham's obligations under this Agreement.

| Shared Costs                       |                 |                         |                      |
|------------------------------------|-----------------|-------------------------|----------------------|
| Item                               | Costs           | WWTF                    | Ashburnham           |
|                                    |                 | 5,000,000               | 200,000              |
|                                    | Actual          | Percent Flow            | 4.00%                |
| OPM Phase 1                        | \$ 98,185.00    | \$ 91,704.79            | \$ 3,927.40          |
| OPM Phase 2                        | \$ 224,136.00   | \$ 209,343.02           | \$ 8,965.44          |
| OPM Phase 3                        | \$ 722,739.00   | \$ 675,038.23           | \$ 28,909.56         |
| Facility Plan                      | \$ 236,600.00   | \$ 220,984.40           | \$ 9,464.00          |
| Headworks WP Design                | \$ 368,500.00   | \$ 344,179.00           | \$ 14,740.00         |
| Headworks Construction             | \$ 3,648,522.86 | \$ 3,407,720.35         | \$ 145,940.91        |
| Headworks WP Const Serv            | \$ 195,500.00   | \$ 182,597.00           | \$ 7,820.00          |
| Dewatering WP Design               | \$ 426,100.00   | \$ 397,977.40           | \$ 17,044.00         |
| Dewatering Construction            | \$ 6,761,332.75 | \$ 6,315,084.79         | \$ 270,453.31        |
| Dewatering CDR/T&H OPM             | \$ 415,675.00   | \$ 388,240.45           | \$ 16,627.00         |
| Dewatering WP Const Serv           | \$ 286,100.00   | \$ 267,217.40           | \$ 11,444.00         |
| Sludge Landfill CDR/T&H Design     | \$ 290,850.00   | \$ 271,653.90           | \$ 11,634.00         |
| Sludge Landfill Woodard and Curren | \$ 290,000.00   | \$ 270,860.00           | \$ 11,600.00         |
|                                    |                 | <b>WWTF</b>             | <b>Ashburnham</b>    |
|                                    |                 | <b>\$ 13,042,600.73</b> | <b>\$ 558,569.62</b> |

| FUTURE PROJECTS - ESTIMATED COSTS ONLY                                                                                                                                                                       |                                           |                 |               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------|---------------|
| NPDES Draft Permit to be issued this Fall. EPA looking to mandate a 10mg/L limit on Nitrogen<br>Wastewater Treatment Facility will need to make improvements in order to meet the 417 lbs/day yearly average |                                           |                 |               |
|                                                                                                                                                                                                              | NPDES Permit DRAFT issued by EPA recently |                 |               |
|                                                                                                                                                                                                              | Estimated                                 | WWTF            | Ashburnham    |
| NPDES PERMIT COMPLIANCE (EST)                                                                                                                                                                                | \$ 6,000,000.00                           | \$ 5,604,000.00 | \$ 240,000.00 |
| Sludge Landfill Construction (EST)                                                                                                                                                                           | \$ 2,500,000.00                           | \$ 1,401,000.00 | \$ 100,000.00 |

## 16. Transport and Treatment

### 16.1 User fees/Transport and Treatment Charges

Ashburnham will pay the same user fee as any Gardner residential user; including future increases penny for penny.

Gardner will invoice Ashburnham for the Transport & Treatment charges and/or User Fees at the end of each calendar quarter, and payments will be due within forty-five (45) days of each invoice. Each of quarter is defined as March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup>, and December 31<sup>st</sup>.

16.2 Gardner may surcharge Ashburnham for discharge of wastewater containing pollutant levels exceeding concentrations found in Normal Strength Wastewater in

proportion to the actual strength to the maximum normal strength based upon BOD or suspended solids.

16.3 Annually, following the documentation of actual flows for the previous calendar year in early February, Gardner shall calculate actual amounts due for the previous year and use the March 31<sup>st</sup> quarterly bill to adjust the prior year's estimated charges to actual.

16.4 In the event Ashburnham's sewer discharge has Hydrogen Sulfide readings above the limit of 12 parts per million, the Town of Ashburnham shall provide notice to the City of Gardner immediately upon discovery of the same, shall correct the situation within twenty-four (24) hours of discovery, and shall provide a report to the City of Gardner showing the cause of such readings.

### **17. Capital Improvement Provision(s)**

17.1 In the event that the Gardner Department of Public Works decides to repair or replace any item used at or in connection with its wastewater treatment facility following the Ashburnham tie-in and the cost of any single replaced or repaired item exceeds \$100,000, or if Gardner is directed or ordered by the EPA, MA DEP, or any other agency or court of the State or Federal government to provide a higher degree of treatment at the facility in the future, or otherwise to modify the process from that used or in place at the time of execution of this Agreement, the total cost of such replacement or additional facilities shall be apportioned between the parties based on allocated capacity. The WWTF Capacity is currently 5,000,000 gallons per day; Ashburnham's allocation is 200,000 gallons per day. Thus 4% of Capital, associated design, and oversight costs will be the responsibility of Ashburnham.

17.2 Ashburnham shall have the right to inspect and audit at Gardner's offices any and all cost records of Gardner relating to the construction, expansion, replacement, modification, operation and maintenance of the plant and facilities as stated in this Article.

### **18. Sewer Use Regulations**

18.1 Ashburnham shall adopt local sewer use regulations which are no less stringent in every particular and, is as broad in scope as, or stricter than the Gardner Sewer Ordinance presently in effect or codified or as may be amended. The Ashburnham regulations shall in any event be consistent with and meet all requirements of the EPA as codified at 40 CFR Part 403 and as the same may from time to time be amended. The regulations will designate Ashburnham's agent to enforce its provisions. In the alternative, Ashburnham may adopt a sewer use bylaw, meeting the same standards set forth herein. For the purposes of this section and related sections the term "regulations" shall also mean by-law, and the same must be operative and in place and approved by Gardner prior to the acceptance of Ashburnham's initial flows.



18.2 Ashburnham's adoption of such valid regulations and its establishment of local limits as set forth in this section (18.5) shall constitute a condition precedent to the existence of this Agreement. Gardner shall have no obligation to accept wastewater from Ashburnham until the regulations are duly enacted and effective.

18.3 Ashburnham shall submit a draft of its proposed regulations to Gardner for review within ninety (90) days of the date of execution of this Agreement. Gardner shall submit its comments and proposed changes to Ashburnham. Ashburnham will adopt its regulations within sixty (60) days of the receipt of Gardner's approval of the regulations.

18.4 Whenever Gardner revises its Sewer Use Ordinance, it will forward a copy of the revisions to Ashburnham. Ashburnham will adopt revisions to its sewer regulations that are at least as stringent in every particular and as broad in scope as those adopted by Gardner. Ashburnham will submit its proposed revisions to Gardner for review within thirty (30) days of its receipt of Gardner's revisions and will adopt its revisions within sixty (60) days of receiving approval from Gardner.

18.5 Ashburnham will adopt pollutant specific local limits which address the same pollutant parameters and are at least as stringent as the local limits enacted by Gardner within one hundred (100) days of the date this Agreement is executed. If Gardner makes any revisions or additions to its local limits, it will forward those revisions to Ashburnham which shall adopt such revisions within thirty (30) days after receipt thereof.

### **19. Enforcement Authority**

19.1 Ashburnham shall in full compliance with all applicable EPA and other laws and regulations perform the technical and administrative duties necessary to implement this Agreement and to implement and enforce an EPA approved industrial pretreatment plan and implement and insure Ashburnham's sewer use regulations. This shall include but is not limited to:

1. Enforcing the terms and conditions of all permits issued pursuant to the Agreement.
2. Issue permits to all industrial users required to obtain a permit pursuant to Ashburnham's pre-treatment ordinance/by-laws.
3. Conduct inspections, sampling and analysis of permitted users
4. Take all enforcement actions against industrial users subject to pretreatment requirements, as set forth in Gardner's approved enforcement response plan and as provided in Ashburnham's sewer use ordinance/bylaw.

Gardner may monitor and review Ashburnham's performance in any manner Gardner deems necessary and appropriate, and Ashburnham will cooperate by providing and sharing all requested information and documents. Ashburnham shall take emergency action to stop, prevent, or lessen any discharge which presents, or may present an imminent or immediate threat or danger to the health, safety, or welfare of human beings

or which reasonably appears, in its discretion, to threaten the environment or which threatens to cause interference, pass through, or sludge contamination.

19.2 Ashburnham shall have primary duty to implement, administer, and enforce Ashburnham's sewer user regulations for users in and/or subject to Ashburnham's jurisdiction. Upon Ashburnham's failure to enforce, Gardner shall take any legally permissible enforcement action which it deems necessary or which is necessary to enforce or compel compliance with EPA pretreatment standards, regulations, and policies Gardner may take any action under Ashburnham's sewer use regulations which Ashburnham could take including but not limited to enforcement by administrative fines, or civil or criminal enforcement in any appropriate court.

19.3 Before an industrial user or any other user subject to pretreatment standards discharges into Ashburnham's sewer system any wastewater which will be discharged into Gardner's system, the user shall obtain a permit from Ashburnham in accordance with the Ashburnham sewer use regulations. Ashburnham shall forward a copy of this pretreatment permit to Gardner's pretreatment coordinator.

19.4 The parties will review and revise this Agreement to ensure compliance with United States Clean Water Act, 42 U.S.C. Section 1251 et seq. and the rules and regulations promulgated thereunder as necessary, but at least once every three (3) years on a date to be determined by the parties.

19.5 Nothing contained herein shall be construed as limiting in any way Ashburnham's authority to enforce its sewer regulations.

## **20. Definitions of Terms**

**"EPA"** shall mean the United States Environmental Protection Agency, or where appropriate the Regional Water Management Division Director or other authorized official of the agency.

**"Gardner" or "City"** shall mean the City of Gardner, acting by and through its Mayor, or where appropriate, the City of Gardner acting by and through its Department of Public Works.

**"Ashburnham" or "Town"** shall mean the Town of Ashburnham acting by and through its Board of Selectmen.

**"Act" or "the Act"** shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act as amended. 33 U.S.C Section 1251, et seq.

**"DEP" or "MA DEP"** shall mean the Massachusetts Department of Environmental Protection

**"Discharge" or "Indirect Discharge"** shall mean the introduction of pollutants into the public owned treatment works from any non-domestic source regulated under the Act.

**"BOD" or "Biochemical Oxygen Demand"** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade expressed as concentration (e.g. as mg/L).



**“Person”** shall mean every individual, partnership, corporation, Municipal Corporation, water district firm, association, or group of individuals.

**“Ashburnham’s Customer or Consumers”** shall mean those persons in Ashburnham to whom Ashburnham sells or distributes sewage disposal to Gardner under this Agreement.

**“Normal Strength Sewage (Wastewater)”** as expressed or referred to in this Agreement shall be defined as sewage having an average five (5) day biochemical oxygen demand (BOD) of or equal to 300 mg/L and an average total suspended solids concentration of 300 mg/L based upon a twenty-four (24) hour composite sample comprised of at least six (6) discrete samples.

**“NPDES Permit”** (National Pollutant Discharge Elimination System) A Permit issued pursuant to section 402 of the Act, 33 U.S.C. §1342 and M.G.L. c.21, §43.

**“National Pretreatment Standard, Pretreatment Standard, or Standard”** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act which applies to Industrial Users, including prohibitive discharge limits established pursuant to 40 C.F.R. §403.5.

**“Pollutant”** Any element or property of residential sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, in whatever form and whether originating at a point or major non-point source, which is or may be discharged, drained, or otherwise introduced into any sewerage system, treatment works, or waters of the Commonwealth.

**“Pollution”** The presence in the environment of conditions or contaminants in quantities or characteristics which are or may be injurious to human, plant, or animal life or to or to property, or which unreasonably interferes with the comfortable enjoyment of life and property throughout such areas as may be affected thereby.

**“Pretreatment”** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Facility. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 C.F.R. §403.6(d).

**“Pretreatment Requirements”** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on a User.

**“User”** as used herein shall mean a source discharge or indirect discharge.

**“Shall”** is mandatory.

**“May”** is permissive

Any word or phrase used in this agreement not otherwise expressly defined herein shall have their common usage meaning.

## **21. Service of Notice**

21.1 All notices or communications permitted or required by this Agreement must be in writing except in emergencies, and shall:

As to Gardner, be delivered or mailed by certified mail, return receipt requested, to the Mayor's Office, 95 Pleasant Street, Gardner, MA 01440, and to the Director of Public Works, 95 Pleasant Street, Room 112, Gardner, MA 01440.

As to Ashburnham, be delivered or mailed by certified mail, return receipt requested, to the Board of Selectmen's Office, c/o Town Administrator, Town Hall 32 Main Street, Ashburnham, MA 01430, and the office of the official designated by Ashburnham pursuant to Section 6.6 of this Agreement.

## **22. Extension of Term**

22.1 The parties during the third (3<sup>th</sup>) year of this Agreement, unless it is sooner terminated, shall meet to negotiate in good faith for an extension or renewal of this Agreement subject to authorizations that may be required by then applicable law. This acknowledgement that the term of the Agreement, including any new terms or conditions, may be extended, does not impose on either party any express or implied obligations with regard to the potential negotiations or Agreement. Neither party has any added or implied obligation to extend or renew the terms of this Agreement (with or without modifications).

## **23. Forum and Choice of Law**

24.1 This Agreement and any performance under it shall be interpreted and governed in accordance with the laws of the Commonwealth of Massachusetts except for those requirements, terms, duties, and conditions regulated by Federal Law. Any and all proceedings or actions relating to the subject matter herein shall be brought and maintained in the courts of the Commonwealth which shall have exclusive jurisdiction thereof. Any term or word used herein not otherwise defined shall have the same meaning as the term has in common usage.

## **24. Regulatory Authority**

This Agreement is subject to the lawful rules, regulations, decisions, order or directives of the EPA and of any agency of the State and Federal government with jurisdiction over the parties or subject matter of the Agreement. Any and all conditions, rules, regulations, orders or other requirements heretofore or hereafter placed upon Gardner or Ashburnham by the EPA or by the Department of Environmental Protection or any other agency, division, office, or department of the United States or Commonwealth of Massachusetts or by any court of competent jurisdiction and by any other applicable Federal, State, or County agency, shall be construed to become a part of this Agreement unless the Agreement is terminated hereunder. Further, any additional costs placed upon Gardner as a result of any orders of the above referenced court or agencies in connection with the supplying of sewage disposal to Ashburnham by Gardner shall be borne by Ashburnham.

## **25. Severability, Headings, Integration**

If any provision of this Agreement is declared or found illegal, unenforceable or void, then both parties shall be relieved of all obligations under that provision (s). The remainder of the Agreement shall be enforced to the fullest extent permitted by law. The headings are used for reference only and shall not be a factor in the interpretation of this Agreement. This Agreement shall supersede all other verbal and written Agreements and negotiations by the parties relating to performance of the obligations under this Agreements and contains to the full and complete and integrated agreement of the parties on the subject matters referred to herein. Any doubt as to meaning, any interpretation issue or any question as to intent of the parties shall be resolved to make this Agreement and the obligations of the parties under it, conforms to the letter purpose and intent of the EPA pre-treatment standards and the Act.

**26. Conditions Precedent**

Without limiting the generality of the foregoing nor limited by the foregoing, Gardner hereby at its option makes the following conditions precedent to any obligation on the part of Gardner:

- A. Federal EPA approval
- B. State DEP approval
- C. Approval by the Mayor
- D. Approval by the City Council
- E. Any and all Ashburnham votes and authorizations deemed necessary by Gardner or otherwise specified or required hereunder
  
- F.

Gardner shall in any event have no obligation to accept wastewater from Ashburnham until: (1) Ashburnham enacts and has in place the authority, by-laws, or regulations necessary to implement the provisions of the agreement and pre-treatment requirements; and (2) until the EPA and DEP approve the Agreement as a substantial modification of the pre-treatment program.

IN WITNESS WHEREOF, on the date first mentioned, the officials of the City of Gardner and the Town of Ashburnham hereto execute this Agreement, in quadruplicate copies. When executed, the Agreement shall be recorded in the office of the Clerk of each municipality.

CITY OF GARDNER

(Seal of The City of Gardner)

By \_\_\_\_\_  
 Mayor

Approved as to form

By \_\_\_\_\_

City Solicitor

TOWN OF ASHBURNHAM

(Seal of The Town of Ashburnham)

By *R. L. ...*  
*Bill Johnson*  
*Leo ...*  
 Its Board of Selectmen

Approved as to availability of funds

By *Julie Costello*  
 Town Accountant

Approved as to form

By \_\_\_\_\_  
 Town Counsel

TOWN OF ASHBURNHAM

File: dao\edus

Date: 04/06/94

Estimated Number of Equivalent Dwelling Units (EDUs) for Sewers in Center and South Ashburnham

| <u>A. Residential/Commercial</u> |                                                 |                   |                     |
|----------------------------------|-------------------------------------------------|-------------------|---------------------|
| Table 7—1946 Facilities Plan     | 1,500 people/                                   | 3 people/dwelling | - 500 EDUs          |
| Design Plans                     | Count of houses shown on plans                  |                   | - 441 EDUs          |
|                                  | Count of vacant lots shown on plans (estimated) |                   | 100 EDUs            |
|                                  |                                                 |                   | Subtotal 541 EDUs   |
| Therefore use:                   | 540 EDUs                                        |                   |                     |
| Flows:                           | Initial: 441 Buildings @ 200gpd                 |                   | 88200 gpd           |
|                                  | Future: Vacant lots                             |                   | 20000 gpd           |
|                                  |                                                 |                   | Subtotal 108200 gpd |
|                                  |                                                 |                   |                     |
| <u>B. Schools</u>                |                                                 |                   |                     |

|                                            |               |                       |                                |
|--------------------------------------------|---------------|-----------------------|--------------------------------|
| Cushing Academy                            | Say           | 28000 gpd/200 gal/EDU | 140 EDUs                       |
| Briggs and Oakmont                         | Say           | 30000 gpd/200 gal/EDU | 150 EDUs                       |
| <b>Subtotal</b>                            |               |                       | <b>290 EDUs</b>                |
| <b><u>C. Total</u></b>                     |               |                       |                                |
| <b>Initial Total EDU's</b>                 |               |                       | <b>731 EDU's</b>               |
| <b>Initial flow:</b>                       |               |                       | <b>146200 gpd</b>              |
| <b>Total future EDU's:</b>                 |               |                       | <b>831 EDU's</b>               |
| <b>Future Flow:</b>                        |               |                       | <b>831 @200 gal 166200 gpd</b> |
| <b>Cushing share:</b>                      | <b>28000/</b> | <b>166200</b>         | <b>16.85%</b>                  |
| <b>Reg. School Share:</b>                  | <b>30000/</b> | <b>166200</b>         | <b>18.05%</b>                  |
| <b>For Intermunicipal Discussions use:</b> |               |                       | <b>200000 gpd</b>              |

Appendix A



✓

## FIRST AMENDMENT TO INTERMUNICIPAL AGREEMENT

This FIRST AMENDMENT TO INTERMUNICIPAL AGREEMENT, dated February \_\_, 2022 (the "First Amendment") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of Gardner, Massachusetts ("City") and the Town of Ashburnham, Massachusetts (Town").

### WITNESSETH:

A. Since 1995, the City has been selling and the Town has been purchasing sewage disposal capacity from the City at the City's wastewater treatment facility on terms and conditions set forth in an Intermunicipal Agreement dated June 22, 1995.

B. In February of 2022, the City and the Town entered into a new Intermunicipal Agreement for the same purpose on terms and conditions similar to the 1995 agreement.

C. During the negotiations for the 2022 Intermunicipal Agreement, it came to the attention of the City and the Town that the Town has not been paying the City for certain capital costs incurred by the City for which the Town is responsible under the terms and conditions of both the 1995 and the 2022 Intermunicipal Agreements.

NOW, THEREFORE, for good and valuable consideration, including the provisions hereof, the receipt and sufficiency of which are hereby acknowledged, the City and the Town hereby agree as follows:

1. The Town owes the City of Gardner the sum of Five Hundred Fifty-Eight Thousand, Five Hundred Sixty-Nine Dollars and Sixty-Two Cents (\$558,569.62) for the Town's proportional share of certain upgrades the City made to the wastewater treatment system ("Proportional Share").

2. The Town shall pay the City this Proportional Share annually according to the schedule and in the amounts set forth below:

| Period For    | Payment Amount | Remaining Balance |
|---------------|----------------|-------------------|
| June 30, 2022 | \$ (80,000.00) | \$ 478,569.62     |
| June 30, 2023 | \$ (80,000.00) | \$ 398,569.62     |
| June 30, 2024 | \$ (80,000.00) | \$ 318,569.62     |
| June 30, 2025 | \$ (80,000.00) | \$ 238,569.62     |
| June 30, 2026 | \$ (80,000.00) | \$ 158,569.62     |
| June 30, 2027 | \$ (80,000.00) | \$ 78,569.62      |
| June 30, 2028 | \$ (78,569.62) | \$ 0              |

3. Following the first payment, all remaining payments shall be made annually on or before June 30 in each and every Fiscal Year for six (6) years, commencing in Fiscal Year 2023, and continuing until the final payment is made on or before June 30, 2028.

4. Nothing herein shall prevent the Town of Ashburnham from prepaying any sum due or the entire balance due at any time.

5. Nothing herein shall apply to any future improvements to the City's wastewater treatment system for which the Town of Ashburnham may owe a proportional share.

6. The provisions of this First Amendment shall survive the termination of the Agreement.

IN WITNESS WHEREOF, on the date first mentioned, the officials of the City of Gardner and the Town of Ashburnham hereto execute this Agreement, in quadruplicate copies. When executed, the Agreement shall be recorded in the office of the Clerk of each municipality.

CITY OF GARDNER

(Seal of The City of Gardner)

By \_\_\_\_\_  
Mayor

Approved as to form

By \_\_\_\_\_  
City Solicitor

TOWN OF ASHBURNHAM

(Seal of The Town of Ashburnham)

By R. Eldridge Marrison

Bill Johnson

Rea Manssens  
Its Board of Selectmen

Approved as to availability of funds

By Julie Costello  
Town Accountant



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED

2023 MAR -9 PM 3:27

CITY CLERK'S OFFICE  
GARDNER, MA

March 9, 2023

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

RE: Renewal of Intermunicipal Agreement for Animal Control Services – Hubbardston

Dear Madam President and Councilors,

The City currently provides Animal Control services for the Towns of Ashburnham, Hubbardston, and Westminster.

The attached agreement would renew the existing operations with the Town of Hubbardston with an increase of two percent (2%) per fiscal year in the assessments we charge to the Town.

This agreement also renews the cost sharing agreement that currently exists whenever we have to purchase a vehicle for the Animal Control Department.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner



AUTHORIZING AN INTERMUNICIPAL AGREEMENT  
BETWEEN THE CITY OF GARDNER AND  
THE TOWN OF HUBBARDSTON  
FOR ANIMAL CONTROL SERVICES

VOTED: To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Hubbardston for the purpose of providing Animal Control services among the two communities, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

TOWN OF HUBBARDSTON AND CITY OF GARDNER  
MUNICIPAL AGREEMENT  
ANIMAL CONTROL SERVICES

This Inter-municipal Agreement, made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2023, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section between the town of Hubbardston, municipal corporations within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Board of Selectmen, hereinafter referred to as "Hubbardston" and the City of Gardner, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Mayor, hereinafter referred to as "Gardner" (collectively referred to as the "Municipalities").

WITNESSETH

WHEREAS, the Municipalities have determined that they share a need for animal control services; and

WHEREAS, the Municipalities have determined that the sharing of the benefits and costs of those services would be beneficial to each Municipality, and

WHEREAS, this Agreement shall provide for the terms, conditions and liabilities of the parties with respect to these services, including, but not limited to terms of cooperation and obligations of each Municipality relative to cost of shared human resources, facilities, and operating costs; and

WHEREAS, the voters at Hubbardston Town Meetings authorized the Boards of Selectmen and the Gardner City Council authorized the Mayor to enter into this agreement in accordance with the provisions of G.L.c. 40, Section 4A.

NOW, THEREFORE, in consideration of the promises and mutual benefits to be derived by the parties hereto, the parties agree as follows:

1. The Hubbardston Town Administrator and the Gardner Mayor will be the Municipalities respective representatives to oversee the cooperative arrangement. The approval of the Hubbardston Board of Selectmen and the Gardner Mayor will be required to amend this Agreement.
2. All the privileges and immunities from liability and exemptions from laws, by-laws, ordinances and regulations that animal control officers employed by any of the parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.
3. The shared Senior Animal Control Officer and Animal Control Officers ("Animal Control Personnel") shall have all of the authority under the applicable provisions of the Massachusetts General Laws as well as the by-laws of Hubbardston and/or City ordinances in which animal control services are being provided.

4. Each Municipality will be responsible for payment of legal services for court appearances by a cooperating animal control officer for enforcement actions taken in its own community. All immunities from liability enjoyed by the sending Municipality within its boundaries shall extend to its participation in rendering animal control services under this Agreement outside its boundaries.
5. Each party to this Agreement shall waive any and all claims against the other party hereto, which may arise out of their activities outside of their respective jurisdictions while rendering or receiving services under this Agreement.
6. In the event that any claims, demands, suits, causes of action, and costs and expenses arise with respect to animal control services provided pursuant to this Agreement, the receiving municipality shall be liable for and shall indemnify, defend, and hold the other community harmless from and against any and all such claims, demands, suits, causes of actions, costs and expenses, including reasonable attorney's fees, including those arising from the handling and care of any animals from the receiving Municipality.
7. Animal Control Officers injured or killed while performing duties for a receiving Municipality or returning to the sending Municipality following a request for services under this Agreement shall be deemed to be on active duty and within the scope of their employment for all purposes. Animal Control Personnel shall be covered by Gardner's Worker's Compensation insurance while performing duties.
8. Term. The term of this Agreement is for three (3) years from FY2024 to FY2026 unless or until terminated by the parties hereto on written notice. Such notice shall be provided one hundred eighty (180) days prior to the end of the then current fiscal year and withdrawal from the agreement will be effective as of the last day of the succeeding fiscal year. In the event that Hubbardston fails to pay any invoice to Gardner in a timely manner, or in the event Hubbardston fails to approve an Animal Control Budget, as provided for herein and that is subject to appropriation by Hubbardston Town Meeting, then Gardner may immediately suspend its services under this Agreement for non-performance. Upon receipt of the past due payments, together with adequate assurances of payment for future services, Gardner may commence performing its services again.
9. Cost sharing.
  - A. During the term of this Agreement Hubbardston shall pay to Gardner a percentage of costs for each year of this agreement in the following amounts:  
  
FISCAL YEAR 2024: \$18,945  
FISCAL YEAR 2025: \$19,324  
FISCAL YEAR 2026: \$19,710

with said costs based upon an approved Animal Control Budget subject to appropriation by Town Meeting and appropriation by the Gardner City Council, which will provide the cost of wages, maintenance of the Animal Shelter and Animal, general maintenance of the shelter, food for the animals, vehicle maintenance, uniforms and equipment for the Animal Control Officers, and a share of the health and other insurance premiums, including worker's compensation insurance, paid by Gardner for the Animal Control Personnel. Hubbardston shall pay their respective percentage of costs on an annual basis to Gardner for the purposes and in accordance with the terms as stated herein. Should the budget amount be increased by agreement of the parties hereto, any deficiencies in the annual payment shall be included in the next year's payment in accordance with the cost-sharing formula established herein.

B. A budget shall be developed by Gardner and shall be provided to Hubbardston annually on or before April 1, for review and approval by the Hubbardston and Boards of Selectmen. Hubbardston shall be responsible for payment of its share of costs as stated herein on a quarterly basis, said payments to be made on July 1, October 1, January 1, and April 1 of the then-current fiscal year.

C. Should the budget, as submitted by Gardner to Hubbardston provide for the purchase of a new vehicle, Hubbardston shall be responsible to pay for a percentage, based upon each Municipalities population as determined by the most recent census, for the cost of such vehicle, such percentage cost to be paid in equal installments together with Hubbardston quarterly payments as specified herein. In the event that Hubbardston withdraws from this Agreement in accordance with the provisions of Paragraph 13, Hubbardston shall be reimbursed the percentage said Municipality contributed as calculated in accordance with the cost-sharing formula established herein of the then current NADA Blue Book value for that vehicle as of the date of the notice of withdrawal, said reimbursement to be applied in equal installments as a reduction in the monthly payments owed by Hubbardston to Gardner. Hubbardston shall, however, remain responsible for payment of its share of the cost of purchase of the vehicle until termination of this Agreement.

D. Should Gardner submit purchase of capital items for consideration, Hubbardston, contingent on Hubbardston Meeting approval, shall be responsible for the cost of such capital item for the same percentage as attributed to the cost-sharing formula established herein, to be paid in equal installments together with Hubbardston's quarterly payments as specified herein. Furthermore, Gardner shall not fund any portion of their percentage from the line item budget.

#### I 0. Services.

Animal Control Services to be provided as part of the inter-municipal agreement are as outlined in applicable provisions of Massachusetts General Law, bylaws of Hubbardston, Gardner ordinances and the job descriptions of Animal Control Personnel for Gardner, incorporated herein by reference. Animals shall be detained at the Gardner Animal Control Facility.

11. Dispute Resolution.

In the event any disputes or questions arise between the parties as to the interpretation of the agreement or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the contract, the parties first agree to try in good faith to settle the dispute through negotiation, then try resorting to other dispute resolution procedures, before proceeding to litigation.

12. Reports.

Gardner may, upon request provide Hubbardston reports on the services provided and annual reports of expenditures and revenues of all accounts necessary to provide a complete picture of the financial condition of the shared function. Additionally, Gardner shall communicate to the applicable dispatch call centers for Hubbardston and Hubbardston upon instances where a call requires the Animal Control Officer to travel outside of Gardner to either Hubbardston or Hubbardston. Additionally, Gardner shall communicate to the applicable dispatch call centers for Hubbardston upon instances where a call requires an Animal Control Officer to travel outside of Gardner to Hubbardston

13. Notice.

Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the Boards of Selectmen and the Gardner Mayor at the addresses set forth below or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

14. This Agreement contains the entire agreement of the parties and supersedes any prior agreements or understandings, whether oral or in writing, between them. This Agreement may not be changed or modified except by a written instrument in accordance with the provisions herein. This Agreement shall be governed by the laws of the Commonwealth of Massachusetts. The provisions of those laws shall not be deemed waived by any provision of this Agreement.

15. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, the provisions of which shall not be deemed waived by any provision hereof, and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

16. If any provision of this Agreement is declared to be illegal, unenforceable, or void, then the parties shall be relieved of all obligations under that provision provided, however, that the remainder of the Agreement shall be enforced to the fullest extent permitted by law.

In witness thereof the parties hereto have executed this Agreement as of the first date written above.

For the City of Gardner

\_\_\_\_\_  
Michael J. Nicholson, Mayor

For the Hubbardston Board of Selectmen

\_\_\_\_\_  
Nathan R. Boudreau, Town Administrator



RECEIVED  
MAR 16 AM 9:18  
CITY CLERK'S OFFICE  
GARDNER, MA

March 13, 2023

Commonwealth of Massachusetts

Worcester County

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Bryant Powlowski, to the position of Police Officer, of the Gardner Police Department and I certify that in my opinion he is a person specially fitted by education, training, or experience to perform the duties of said office and that I make the appointment solely in the interests of the City.

  
\_\_\_\_\_  
Michael J. Nicholson Mayor

Confirmed by City Council: \_\_\_\_\_

\_\_\_\_\_  
Titi Siriphan  
City Clerk

Expires: Permanent

Worcester, ss., \_\_\_\_\_ 2023

Then personally appeared the above named Bryant Powlowski and made oath that he would bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and would support the Constitution and laws thereof.

Before me,

\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

RECEIVED

March 24, 2023

MAR 16 AM 5:10

CITY CLERK'S OFFICE  
GARDNER, MA

**Commonwealth of Massachusetts**

*Worcester County*

*City of Gardner*

**CERTIFICATE OF APPOINTMENT**

*I appoint **Angel Estrada**, to the position of **Police Officer**, of the Gardner Police Department and I certify that in my opinion he is a person specially fitted by education, training, or experience to perform the duties of said office and that I make the appointment solely in the interests of the City.*

  
\_\_\_\_\_  
Mayor  
Michael J. Nicholson

Confirmed by City Council: \_\_\_\_\_

\_\_\_\_\_  
City Clerk  
Titi Siriphan

Expires: Permanent

Worcester, ss., \_\_\_\_\_ 2023

*Then personally appeared the above named **Angel Estrada** and made oath that he would bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and would support the Constitution and laws thereof.*

*Before me,*  
\_\_\_\_\_  
City Clerk

*Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983*

Received \_\_\_\_\_



**Titi Siriphan**

---

**From:** PAUL DEMEO <ryanrealty@comcast.net>  
**Sent:** Friday, March 3, 2023 12:59 PM  
**To:** elizabeth.carnes-flynn@state.ma.us; openmeeting@state.ma.us;  
natalie.arellano@state.ma.us  
**Cc:** Titi Siriphan; elizabeth.kazinskas@gmail.com; Elizabeth Kazinskas; PAUL DEMEO  
**Subject:** [EXTERNAL] Re: Massachusetts Open Meeting Law Complaint

**Importance:** High

**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.

Attorney General's Office,

Gardner City Council President Elizabeth Kazinskas and City Clerk Siriphan have failed to acknowledge the Open Meeting Law complaint.

The complaint should be on the the city council agenda for Monday evening, March 6th for discussion or they can ignore receiving it in further violation of the law.

I would suggest the Attorney Generals Office require further training taught by Attorney General Staff. Sanctions by the AG's office thus far have been ineffective.

Regards,  
Paul DeMeo

---

On 03/03/2023 12:18 AM PAUL DEMEO <ryanrealty@comcast.net> wrote:

Dear Gardner City Council President Elizabeth Kazinskas and City Clerk Siriphan,

Please find attached another Massachusetts Open Meeting Law Complaint for once again violations involving the city council and city clerk.

In addition to answering this complaint, I would request all minutes of "Executive Sessions of the City Council" for the past five years and the dates thereof.

Also City Clerk Siriphan, if you could provide the certificates of those who recently took the Open Meeting Law training which was mandated by the office of the Massachusetts Attorney General.

Thank you very much for your time and attention to this matter.

Best Regards,  
Paul DeMeo



The Commonwealth of Massachusetts  
 Office of the Attorney General  
 One Ashburton Place  
 Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely and sign it. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address it. At the same time, the body must send the Attorney General a copy of the response. The public body may delegate this responsibility to its counsel or a staff member, but only after it has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with that the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, e-mail, or by hand, but only once you have waited for 30 days after filing the complaint with the public body.
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by e-mail at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

**RECEIVED**

2023 MAR -3 AM 8: 20

Please note that all fields are required unless otherwise noted. CITY CLERK'S OFFICE  
GARDNER, MA

### Your Contact Information:

First Name: Paul Last Name: DeMeo

Address: 9 Willis Road

City: Gardner State: MA Zip Code: 01440

Phone Number: 9786321300 Ext. \_\_\_\_\_

Email: Ryanrealty@comcast.net

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual       Organization       Media

### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/ town, county or region, if applicable): Gardner City Council, Gardner City Clerk

Specific person(s), if any, you allege committed the violation: Council president Elizabeth Kazinskas, City Clerk Titi Siriphan

Date of alleged violation: (see below)

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Gardner City Council and Gardner City Clerk have violated the Massachusetts Open Meeting Law by failing to create and approve minutes of the Gardner City Council within a timely manner.

The dates of the violations include November 7, 2022; November 21, 2022 two meetings; December 5th, 2022; December 19, 2022; January 3, 2023; January 17th, 2023.

**CMR 29.11: Meeting Minutes**

(1) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes, in accordance with M.G.L. c. 30A, § 22(a).

(2) Minutes of all open and executive sessions shall be created and approved in a timely manner. A "timely manner" will generally be considered to be within the next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages public bodies to approve minutes at the next meeting whenever possible.

REGULATORY AUTHORITY 940 CMR 29.00: M.G.L. c. 30A, § 25(a) and (b).

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Gardner City Council and City Clerk to abide by Massachusetts State Law and the Open Meeting Law and produce and publish approved minutes in a "timely fashion" as outlined by the office of the Massachusetts Attorney General.

May it be noted that the entire Gardner City Council recently was required to receive training on the Massachusetts Open Meeting Law but it is now apparent this training did little good in bringing compliance with the law.

**Review, sign, and submit your complaint****I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

3/2/2023

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:



**Titi Siriphan**

---

**From:** Elizabeth Kazinskas  
**Sent:** Friday, March 10, 2023 9:21 AM  
**To:** John Flick  
**Cc:** Titi Siriphan  
**Subject:** Re: [EXTERNAL] OML Response 3.23

Thank you, Attorney Flick.

Best,  
Lizzy

Elizabeth Kazinskas  
City Council President  
Finance Committee Chair  
Councillor at-Large  
City of Gardner  
(978) 337-1533  
[ekazinskas@gardner-ma.gov](mailto:ekazinskas@gardner-ma.gov)

---

**From:** John Flick <jflick@flicklawgroup.com>  
**Sent:** Friday, March 10, 2023 8:54 AM  
**To:** Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>  
**Subject:** [EXTERNAL] OML Response 3.23

**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.

President Kasinskas,

The Law Department has reviewed the two OML complaints filed by Mr. Paul Demeo. After reviewing the complaints and the circumstances which gave rise to the complaints, the Law Department has prepared a suggested response for the Committee and Council to consider. Should the Finance Committee and Council adopt this response, the pertinent information can be filled in as necessary to complete the response. Please note that neither the Finance Committee or City Council is bound to use the attached proposal as its response if it deems other facts are warranted, or if the body as a whole reaches a different conclusion. This proposed response is solely based on the facts disclosed to the Law Department and a review of the OML complaints in light of relevant law.

Please let me know if you have any questions.

Best,  
John

\*\*\*\*\*

John M. Flick, Esq.  
 **Flick Law Group, P.C.**  
144 Central Street  
Gardner, MA 01440-1633  
Main No: [978-632-7948](tel:978-632-7948), Ext. 101

Direct Dial: [978-483-0847](tel:978-483-0847)

Fax: [978-483-0847](tel:978-483-0847)

[www.flicklawgroup.com](http://www.flicklawgroup.com) [www.flicklawgroup.com](http://www.flicklawgroup.com)

\*\*\*\*\*

**WIRE FRAUD ALERT: If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions by telephone with this office before you initiate any transfer.**

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LEAP Email Reference |F:44c5b112-4cfe-43c9-82de-9ed5007da0c8|M:6f6e6e21-60bb-4f87-8bec-4020378a304a| (Please do not delete)

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## [TO BE TYPED ON COMMITTEE LETTERHEAD]

Dear

The \_\_\_\_\_ is in receipt of your public records request dated March \_\_\_\_, 2023. The \_\_\_\_\_ met on March \_\_\_\_, 2023 within fourteen days of receipt of your complaint as required. This letter serves as notice to you, pursuant to M.G.L. c. 30A, § 23 of action taken.

The substance of your complaint concerns the timely completion of meeting minutes. Specifically, you allege that minutes for meetings dated \_\_\_\_\_ have not been approved by the \_\_\_\_\_ in a timely manner.

The \_\_\_\_\_ is aware that M.G.L. c. 30A, § 22 requires meeting minutes to be completed in a “timely manner” and that 940 CMR 29.11 has defined the term “timely manner” as being within the “next three public body meetings or within 30 days, whichever is later, unless the public body can show good cause for the delay.”

The Council President has been aware of the delay in completion of meeting minutes. In response to this delay, she has been working with the City Clerk to address work backlog issues in the City Clerk’s office, which has significantly contributed to the delay in the completion of minutes. These efforts have been on-going for several weeks.

The \_\_\_\_\_ is of the opinion that good cause exists to warrant the delay in completing the meeting minutes, namely work backlog and staff training issues in the Clerks office. The two Assistant City Clerks have announced their retirement and the City Clerk has been working the Assistant Clerks and a new hire who will take over upon their retirements.

Regardless of this good cause, remedial action has been underway over the past several weeks to address the delay in the Clerk’s completion of meeting minutes. As per directions given by the Council President to the Clerk, all delayed meeting minutes will be or have been submitted to the \_\_\_\_\_ for approval by March \_\_\_\_, 2023. In fact minutes for meetings dated \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ were submitted to and approved by the \_\_\_\_\_ on \_\_\_\_\_.

Whereas it is the \_\_\_\_\_ opinion that good cause exists for the delay, yet remedial action has been taken to facilitate the timely submission of minutes for approval, your complaint is considered to be resolved.

Very truly yours,



# 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 01440-2630**

OFFICE OF THE  
**CITY CLERK**

Room 121, City Hall  
Tel (978) 630-4058  
Fax (978) 630-2589

---

**NOTICE TO ABUTTERS**

February 23, 2023

TO ABUTTERS AND OTHER INTERESTED PARTIES:

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted on **MONDAY, MARCH 6, 2023 at 7:30 o'clock P.M.** on the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID and VERIZON NEW ENGLAND, INC. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures to be owned by the petitioner, along and across the following public way:

CROSS STREET – A Petition by National Grid and Verizon New England, Inc. – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross Street.

A sketch of the proposed pole location is attached for your edification.

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN  
City Clerk

Questions contact - Rob Proude 781-423-3082

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts

To the City Council  
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

**Cross St** - National Grid to install 4 JO Poles on Cross St beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence St and Cross St and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross St.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked - Cross St - Gardner - Massachusetts.

No. 24639352 February 2, 2023

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a

NATIONAL GRID *Pat Shea*

BY \_\_\_\_\_

Engineering Department

VERIZON NEW ENGLAND, INC.

BY *Albert C. Bessette* \_\_\_\_\_

Manager / Right of Way

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council - Gardner, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 2nd day of February, 2023.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Cross St - Gardner - Massachusetts.

No. 24639352 Dated February 2, 2023. Filed with this order

There may be attached to said poles by Massachusetts Electric Company d/b/a National Grid and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Cross St - National Grid to install 4 JO Poles on Cross St beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence St and Cross St and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross St.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

Massachusetts

City/Town Clerk.  
20 \_\_\_\_

Received and entered in the records of location orders of the City/Town of \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock, M  
at \_\_\_\_\_ a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a National Grid and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and  
that we mailed at least seven days before said hearing a written notice of the time and place of said  
hearing to each of the owners of real estate (as determined by the last preceding assessment for  
taxation) along the ways or parts of ways upon which the Company is permitted to erect  
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
.....  
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of  
hearing with notice adopted by the \_\_\_\_\_ of the City of  
Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and recorded with the  
records of location orders of the said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy  
is made under the provisions of Chapter 166 of General Laws and any additions thereto or  
amendments thereof.

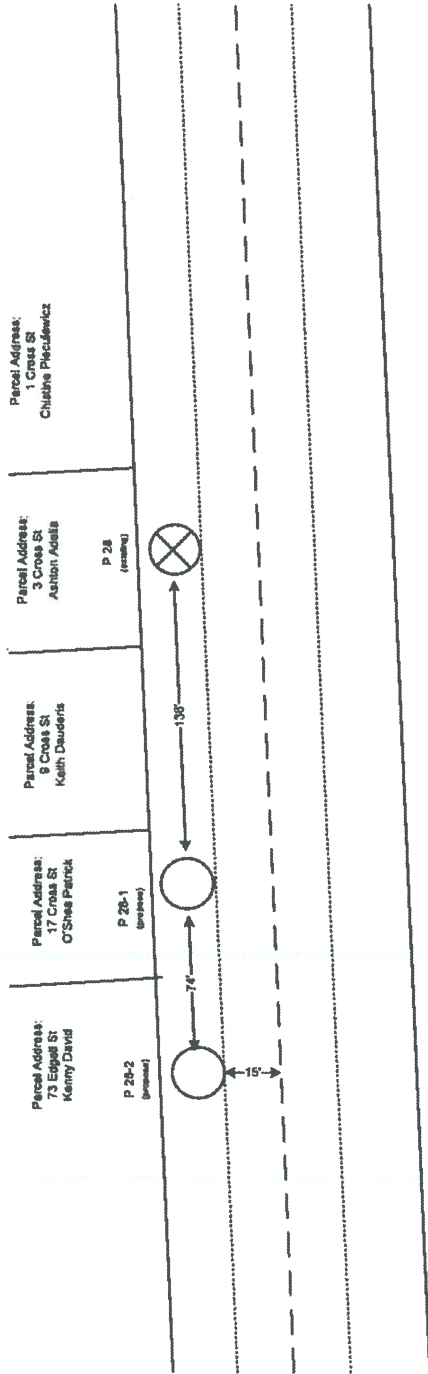
Attest:  
City/Town Clerk



**PETITION SKETCH  
TOWN OF GARDNER  
WORCESTER COUNTY**

**Legend**

- Proposed JO Pole
- ⊗ Existing JO Pole
- - - Center Line
- Property Line
- ..... Road
- Proposed Hand Hole
- - - Proposed UC Conduit



**nationalgrid**

Petition Sketch for Poles 28-1, & 28-2  
Cross St  
Gardner, MA  
WR#24639352

|                                              |                 |                    |                   |
|----------------------------------------------|-----------------|--------------------|-------------------|
| Not To Scale<br>Distances are<br>Approximate | Drawn By<br>RMP | Sketch #<br>1 of 2 | DATE<br>9/24/2018 |
|----------------------------------------------|-----------------|--------------------|-------------------|

**ControlPoint**  
TECHNOLOGIES

Designer: Rob Proud  
ControlPoint Technologies, Inc.  
200 Ledgerwood Place, Rockland, MA 02370  
781-423-3082

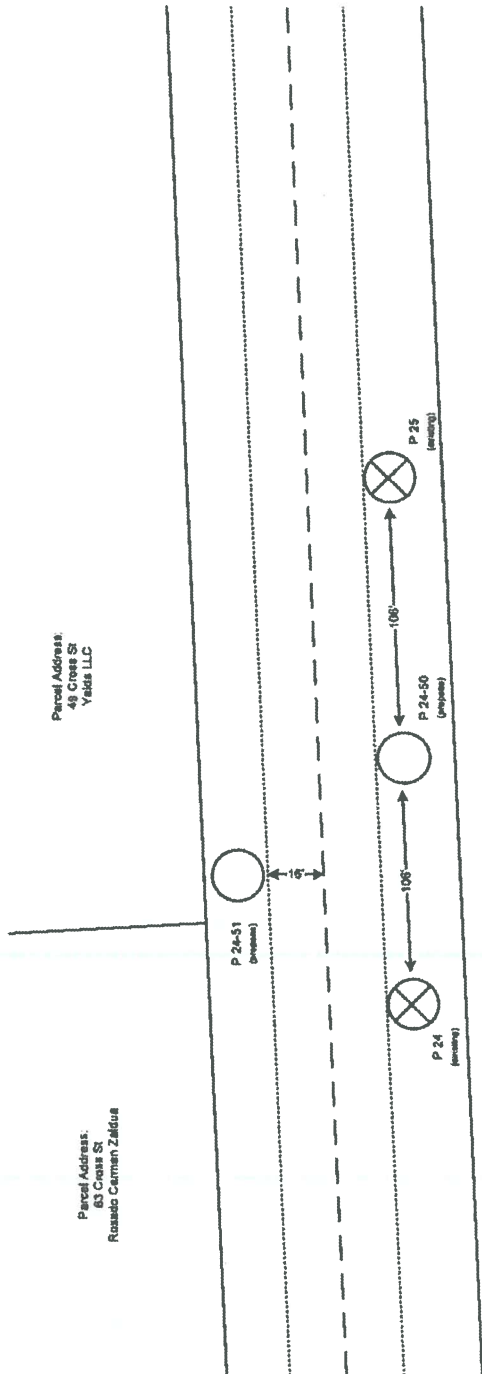
The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.



**PETITION SKETCH  
TOWN OF GARDNER  
WORCESTER COUNTY**

**Legend**

- Proposed JO Pole
- Existing JO Pole
- Center Line
- Property Line
- Road
- Proposed Hand Hole
- Proposed UG Conduit



Parcel Address:  
49 Cross St  
Yield LLC

Parcel Address:  
63 Cross St  
Rosado Carman Zilfoue

Parcel Address:  
160 Elm St  
City of Gardner

**nationalgrid**

Petition Sketch for Poles 24-50, 24-51  
Cross St  
Gardner, MA  
WR#24639352

|                                              |                  |                    |                   |
|----------------------------------------------|------------------|--------------------|-------------------|
| Net To Scale<br>Distances are<br>Approximate | Drawn By:<br>RHP | Sketch #<br>2 of 2 | DATE<br>9/24/2018 |
|----------------------------------------------|------------------|--------------------|-------------------|

**ControlPoint**  
TECHNOLOGIES, INC.

Designer: Rob Proville  
ControlPoint Technologies, Inc.  
200 Ledgerwood Place, Rockland, MA 02370  
781-423-3082

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.





**CITY of GARDNER**  
**Office of the City Clerk**  
95 Pleasant Street, Room 121  
Gardner, MA 01440  
\*Tel. 978-630-4058 \*Fax: 978-630-2589

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING

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, March 20, 2023 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 items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to add “Sports Betting” to the Zoning Table of Uses.
- **10893** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to increase the quota allowed by the Code of the City of Gardner

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



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

February 3, 2023

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

RE: An Ordinance to Amend The Code Of The City Of Gardner, Chapter 675 Thereof, Entitled "Zoning," To Change The Classifications Of Certain Parcels Of Land Along Route 140

Dear Madam President and Councilors,

At their meeting of February 2, 2023, the Traffic Commission voted to recommend that the Administration look into ways to reduce or eliminate future residential house development along the section of Route 140 between Green Street and the border with the Town of Winchendon.

This idea was originally proposed in 2010, when the Montachusett Regional Planning Commission ("MRPC") performed a study for the City of Gardner and the Towns of Ashburnham and Winchendon regarding the future growth at the location.

This study found that as things currently stand – as no changes have been made since the study was published- there is potential for 792 new single-family homes to be constructed in this area with the current zoning being designated as Rural Residential 2. (Page 4 of Study). This study also stated that at that rate of growth in this area of the there be a strain on the existing water infrastructure that exists in the area. (Page 4 of Study).

The concerns raised by the Traffic Commission recently came from the increased number of very serious accidents that have occurred in the area. While the Gardner Police Department and the Department of Public Works are in discussion with safety improvements with the Massachusetts Department of Transportation ("MassDOT"), adding additional driveways for residences in the area would only exacerbate the problem.

In following the suggestions made in the 2010 study, the attached ordinance proposal requests to change the zoning for the area from Rural Residential 2 to Commercial 2. While the Study suggested changing the zoning to either a commercial or industrial designation, the Administration is requesting a change to Commercial 2, since the City Forrest is in the area of these proposed changes and Commercial 2 uses provide the safest environmental options for the area instead of uses allowed in Industrial areas or Commercial 1. (Please note that the Parcel which houses the City Forrest – M42-14-3 – is not included in this zoning change since that is protected by Article 97 of the Constitution of the Commonwealth).

As is the same case with all zoning changes, if there are any current uses of the properties in the area, they would be grandfathered for any residences that already exist in this location.

Furthermore, I understand that the City is one of the largest land owners in the area. However, with the amount of growth that Gardner has seen in the last 2 – 3 years, with over 33 businesses opening their doors and the amount of residential investments we have seen, the City needs to plan and prepare for potential smart growth in the area that considers things like more reasonable traffic flows and controls and protection of the City Forest, while still meeting the City's economic and commercial development goals for the population that currently exists here and is steadily growing.

Any commercial growth in the area would be easily controlled through site plan approval rather than having no control over hundreds of new residential curb cuts to the area.

It is the belief of the Administration that this change will be in the best interest of the City, will improve the safety of the area, and will allow the City to plan for smarter growth to an area in a way that best suits our needs.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael J. Nicholson".

Michael J. Nicholson  
Mayor, City of Gardner

CC:  
Gardner Planning Board  
City Council Public Welfare Committee

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO CHANGE THE CLASSIFICATIONS OF CERTAIN PARCELS OF LAND ALONG ROUTE 140.**

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

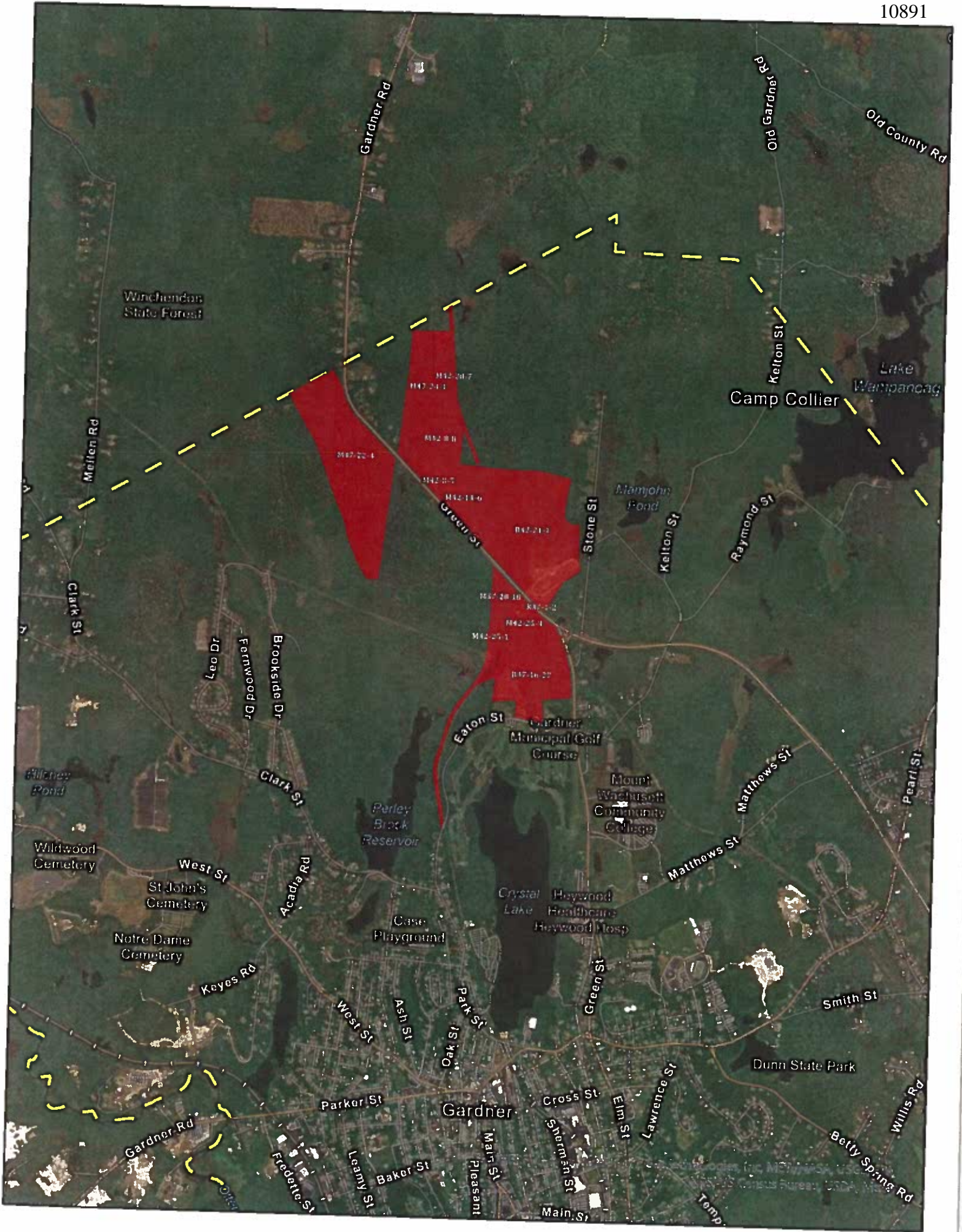
**PREAMBLE:** That "An Ordinance Establishing the Boundaries of the City with Regulations and Restrictions to be Enforced and to be known as the Zoning Code" (Chapter 675) adopted by the City Council December 9, 1970 and amended several times thereafter be further amended as follows:

**SECTION 1:** By changing the classification from Rural Residential 2 to Commercial 2 for twelve (12) parcels of land situated northernly and southernly of Route 140 Street, being parcels M47-22-4, M47-24-1 (that portion west of bike trail parcel M42-20-7), M42-8-8, M42-8-5, M42-20-7, R42-21-1, R37-1-2, M42-14-6, M42-25-1, M37-20-10, M42-25-3, and R37-16-27 on the City of Gardner Assessor's Map.

Total area of proposed zoning change being approximately 462.5 acres.

**SECTION 2:** This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.







CITY OF GARDNER POLICE DEPARTMENT  
200 Main Street  
Gardner, MA 01440  
Phone (978) 632-5600  
Fax (978) 630-9045



Eric P. McAvene  
Chief of Police

Nicholas P. Maroni  
Deputy Chief of Police

February 6, 2023

The Honorable Michael J. Nicholson, Mayor  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

Re: Route 140 Re-zoning Request

The Traffic Commission met on Thursday February 2, 2023. In the meeting, the safety on Rt 140 from Green St to the Winchendon line was discussed. The Commission discussed that this section of Rt. 140 would not be safe if added residential driveways were put in this area. Any future development should require the addition of traffic control devices and a traffic study at a minimum, to ensure safety to the motoring public.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Nicholas P. Maroni".

Nicholas P. Maroni  
Deputy Chief of Police  
Chairman Traffic Commission

**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

February 3, 2023

The Honorable Michael J. Nicholson, Mayor  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

Re: Route 140 Re-zoning Request

Dear Mayor,

I have reviewed and agree with the proposed request to rezone the northern end of Green Street (Route 140) from residential to Commercial/Industrial. My understanding is the parcel could contain several hundred residential building lots. The addition of that many private homes to the area would cause more public safety/traffic concerns due to the already high traffic congestion and general speeds on the road.

The posted speed limit in that area of the road is 50 MPH, but speeds regularly exceed 60 and 70 MPH. The road was designed as a limited access highway and not a residential road. The existing residents in that section have to cut across the two northbound lanes, through the soft divider and make a left to go southbound. It is an unsafe design.

Many of the collisions on the road end up as serious injury crashes or fatalities because it is designed for higher speed travel. For the above mentioned reasons, I support the rezoning of this area to commercial/industrial. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Eric P. McAvene  
Chief of Police



**CITY OF GARDNER**  
**Department of Public Works**

Highway  
Water  
Sewer  
Forestry  
Parks/Playgrounds  
Cemeteries



Dane E. Arnold, Director  
50 Manca Drive  
Gardner, MA 01440-2687  
Telephone (978) 630-8195  
darnold@gardner-ma.gov

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

February 3, 2023

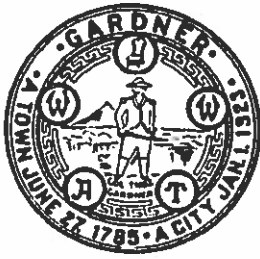
RE: Route 140 Zoning Change

Dear Mayor Nicholson:

This letter acts to show my support of the zoning change to remove Rural Residential zoning along the 140 corridor. With the high speeds, heavily traveled route, and several passing lanes, there should not be single family homes with individual driveways constructed in this area. Any future construction in this area should have a traffic study conducted and controlled intersections, such as traffic signals or additional merge lanes constructed for example.

Sincerely,

Dane E. Arnold, Director  
Department of Public Works



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

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

---

February 3, 2023

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

Re: Proposed Zoning Amendment

Dear Mayor Nicholson,

I have reviewed the proposed zoning change for the 12 properties on Route 140. As I understand it, the change is being put forth in an effort to minimize future residential driveways being built along this stretch of Route 140. As a measure to improve vehicular safety on Route 140, I have no issue with the proposed zoning change.

Sincerely,

Robert E. Oliva  
City Engineer



**City of Gardner**  
**Department of Inspectional Services**  
**115 Pleasant Street, Room 101**  
**Gardner, MA 01440**  
Tel. (978) 630-4007 Fax: (978) 632-3313

---

Feb. 7, 2023

RE: 140 Zoning Change

Dear Mr. Mayor,

I have long thought that limiting the Rte. 140 corridor to Residential uses was counterproductive to bringing new business to our city. I am in full support of the proposed Zoning change from Rural Residential Two to Commercial Two for the parcels along Rte. 140.

Do not hesitate to contact me should you need any further assistance.

Roland Jean  
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**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

# **ROUTE 140 NORTH CORRIDOR BUILDOUT ANALYSIS GARDNER, WESTMINSTER, AND WINCHENDON, MASSACHUSETTS**



**View of Mt. Wachusett from Route 140**

**Prepared by:**



**Montachusett Regional Planning Commission**

**And**

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## ROUTE 140 NORTH CORRIDOR BUILDOUT ANALYSIS

### INTRODUCTION

As development occurs in the Route 140 Corridor and surrounding areas, the roadway will witness an inevitable increase in traffic volumes. In planning for future transportation improvements, it is useful to ask such questions as: How much overall growth can the Corridor accommodate? What are the most likely places where growth will occur? What type of growth seems appropriate for the area? And, does it make sense to alter local regulations to promote a different development pattern?

One way to address these questions is through the use of a "Buildout Analysis". A buildout analysis seeks to determine the maximum amount of new growth that could occur if all available land attains its full development potential. The analysis relies upon the zoning regulations in effect and takes into account environmental factors that limit the development potential of a site. The results do not provide a timeframe for predicting when a certain amount of growth may occur, but rather it attempts to quantify the maximum amount of development that can occur if no changes are made to alter the outcomes.

The results are useful to transportation planners, who will better understand the land use changes that will take place over time. It is then possible to identify future roadway improvements that will be necessary, program improvements over time, and make budgeting decisions as traffic reaches certain milestones.

For the Route 140 Corridor, the Steering Committee identified the study area most likely to contribute directly to traffic increases. Winchendon and Gardner initially identified a ½ mile corridor on each side of the roadway, and Westminster chose a ¼ mile offset. After looking at an initial round of buildout results, the representatives from each community modified the study area by adding in specific parcels and zoning districts where future growth could have a measureable effect on traffic volumes. Maps 1-3 display the community study areas, and Map 4 contains the entire Corridor study area.

### BUILDOUT METHODOLOGY

A buildout analysis consists of two discrete phases: mapping, and quantifying development. The process would not be possible without good geographic information and skillful GIS staff. Each community provided up-to-date parcel and zoning coverages, and the state mapping agency, MassGIS, provided accurate environmental and land use data.

Environmental data is a crucial element of a buildout analysis. Certain lands, because of environmental sensitivity, are considered unsuitable for development; these include wetlands, ponds, flood plains, and steep slopes. In addition, Massachusetts has adopted a regulatory program to protect perennial rivers and streams; under the River Protection Act, no development can occur within the "Riverfront Area", a swath two hundred feet wide from each bank. The buildout analysis interprets these lands as unavailable for development.

The buildout maps display the zoning scheme currently in effect in the three communities. For simplicity, these fall into a residential, commercial, or industrial district. Staff also reviewed the communities' zoning regulations to determine if other land use controls might affect the development potential of the corridor. In Gardner, the Water Supply Protection Overlay District (WSPOD) falls within the northern portion of the City and, by requiring large lots,



limits development to a greater degree than that permitted in the underlying Rural Residential district.



Gardner Scenic View

In addition, GIS staff aggregated land use/land cover data from MassGIS interpreted from 2005 aerial photography. The buildout analysis looks only at vacant land and removes land that is already developed, although it is possible over time for redevelopment to occur. The excluded land uses are active recreation, housing, transportation, commercial/industrial development, power lines, waste disposal, cemeteries, and public/institutional uses. Finally, land

that is permanently protected as open space is also excluded from future development; the parcel coverages from each community provided the source data for open space properties.

The buildout maps display all of this data and allow local officials to identify the location and current zoning of the developable land. The mapping software categorizes all land in the study area as developed, undevelopable, or developable, and calculates the area in each category by zoning district. Land that is developed or undevelopable (open space or environmentally constrained) is excluded from further analysis.

A buildout spreadsheet helps to quantify the amount of new development that can occur. MRPC conducted community-wide buildout analyses in all of its communities about 10 years ago; thus, the spreadsheets were already available for this study. Knowing the amount of developable land in each zoning district, and assuming zoning districts and regulations remain unchanged, the spreadsheet calculates the amount of possible new growth in each community.

Planners then calculated the buildout results under existing conditions, i.e. the “base case analysis”. A significant benefit of the methodology is that it is relatively easy to achieve different results by modifying the assumptions. One can run alternative growth scenarios to quantify the changes that would occur by altering zoning regulations. Planners can play “What if” games. For example: What would happen if the Town re-zoned some residential property to a commercial district? Or What if the City promoted a high intensity mixed use concept at a particular node? These scenarios will be discussed shortly.

### BASE CASE BUILDOUT RESULTS

Table 1 displays information on existing conditions in the study area including acres of land in each community by zoning district for the three categories of Undevelopable, Developed, and Developable Land. Table 2 contains the buildout results for the base case scenario.

**Table 1**  
**Development Characteristics of the Route 140 North Corridor**

|                                 | Undevelopable | Developed | Developable | Total    |
|---------------------------------|---------------|-----------|-------------|----------|
|                                 | Acres         | Acres     | Acres       | Acres    |
| <b>Gardner</b>                  |               |           |             |          |
| C1 (Commercial)                 | 4.73          | 16.65     | 21.30       | 42.68    |
| I1 (Industrial)                 | 30.24         | 24.08     | 88.93       | 143.25   |
| I2 (Industrial)                 | 83.96         | 36.69     | 48.44       | 169.09   |
| RR (Rural Residential)          | 3,398.10      | 215.18    | 1,060.19    | 4,673.46 |
| SFR (Single Family Residential) | 29.28         | 48.03     | 80.03       | 157.34   |
| Subtotal                        | 3,546.31      | 340.62    | 1,298.89    | 5,185.82 |
| Percent                         | 68.4%         | 6.6%      | 25.0%       | 100%     |
|                                 |               |           |             |          |
| <b>Westminster</b>              |               |           |             |          |
| Commercial - I                  | 53.92         | 37.67     | 172.37      | 263.97   |
| Industrial-I                    | 13.60         | 73.36     | 150.53      | 237.49   |
| Residential - I                 | 28.07         | 76.83     | 129.70      | 234.60   |
| Subtotal                        | 95.59         | 187.87    | 452.60      | 736.06   |
| Percent                         | 13.0%         | 25.5%     | 61.5%       | 100%     |
|                                 |               |           |             |          |
| <b>Winchendon</b>               |               |           |             |          |
| C1 (Commercial)                 | 355.38        | 53.56     | 396.67      | 805.61   |
| I (Industrial)                  | 138.66        | 11.26     | 479.30      | 629.22   |
| R80-RR (Residential)            | 1,303.64      | 165.50    | 827.52      | 2,296.66 |
| Subtotal                        | 1,797.68      | 230.32    | 1,703.49    | 3,731.49 |
| Percent                         | 48.2%         | 6.2%      | 45.7%       | 100.0%   |
|                                 |               |           |             |          |
| <b>Total</b>                    | 5,439.58      | 758.81    | 3,454.98    | 9,653.37 |
| <b>Percent</b>                  | 56.3%         | 7.9%      | 35.8%       | 100%     |

## Gardner

As shown in Table 1, only 25% of the study area in Gardner is available for development; 68.4% is undevelopable and 6.6% is already developed. Much of the undevelopable land is in public ownership by the City for water supply protection. While the amount of developable land is nearly four times greater than that occupied by existing development, the large amount of undevelopable land, and the presence of the low density watershed regulations, will help to retain an open character for the Gardner portion of the Route 140 Corridor.

Of the nearly 1,300 acres of developable land, 1,060 acres are in the Rural Residential district where new homes require large lots (60,000 sq. ft.). It is unlikely that the City will extend public water and sewer systems to these outlying areas. Another 80 acres are in a Single Family Residential District with a density of 3.5 units per ac. This density does require service by public water and sewer systems. Only 12% of the available land in the Gardner portion of the study area (159 ac.) is in a commercial or industrial district.

For the base case scenario, Table 2 indicates that Gardner could witness 792 new dwelling units and over 3.0 million square feet of non-residential development. Over 300 acres of Rural Residential land is within the WSPOD, which specifies a three-acre minimum lot size for a single family home. The low density is a valid means of protecting the water supply, and of course, has the effect of reducing the residential buildout.

The commercial and industrial districts allow a reasonable intensity of development. The analysis uses a factor termed "Effective FAR<sup>1</sup>" to calculate the amount of non-residential development. The Effective FAR takes into account land needed for setbacks, open space percentages, and parking, and based on allowable stories, it is a measure that expresses the amount of building floor area a lot can accommodate. For example, in Gardner's Commercial 1 district, its Effective FAR of 0.93 means that a 10,000-sq. ft. lot could accommodate 9,300 sq. ft. of building floor area in compliance with zoning and parking codes. Exceeding the FAR would require structured parking, which is not economically feasible in today's market.

Table 2 also shows the possible impacts at full buildout of water demand, new residents, and new students. Based on a water consumption rate of 75 gallons per capita per day and 75 gallons per 1,000 sq. ft. of non-residential floor area, the new development would require 368,494 gallons of water per day. This is true whether or not development is tied into the municipal water system. However, it is unlikely that the commercial and industrial floor space at buildout would be possible without public water service. The number of new residents and new students are based on the number of people per household (2.35) and number of public school students per household (0.417) from the 2000 Census. The 792 new homes in the Corridor could generate 1,862 new residents and 319 new students.

## Westminster

Westminster comprises the smallest portion of the study area, 736 acres, since it only includes the area between the Route 2/140 intersection and the Gardner line. In contrast to Gardner, 61.5% of the study area is available for development and 25.5% is already developed. Only 13% of the land area is undevelopable due to environmental constraints. There is a fairly even distribution of buildable land across the three zoning categories: 172 acres of Commercial 1, 151 acres of Industrial 1, and 130 acres of Residential 1.

<sup>1</sup> FAR stands for Floor Area Ratio, i.e. the relationship of building floor area to lot area.

Table 2  
Route 140 North Base Case Buildout Analysis

|                                    | Developable Area (Ac.) | Effective FAR | Square Feet of Floor Space | Build Factor | Min. Lot Size (Sq. ft.) | Dwelling Units | Water Use        | New Residents | New Students |
|------------------------------------|------------------------|---------------|----------------------------|--------------|-------------------------|----------------|------------------|---------------|--------------|
| <b>Winchendon</b>                  |                        |               |                            |              |                         |                |                  |               |              |
| Highway Commercial - C1            | 396.67                 | 0.504         | 8,708,588                  |              | 75,000                  |                | 653,144          |               |              |
| Industrial - I                     | 479.30                 | 0.576         | 12,025,905                 |              | 43,560                  |                | 901,943          |               |              |
| Rural Residential - R80            | 827.52                 |               |                            | 0.846        | 87,120                  | 350            | 72,170           | 962           | 202          |
| Subtotal                           | 1,703.49               |               | 20,734,494                 |              |                         | 350            | 1,627,257        |               |              |
| <b>Westminster</b>                 |                        |               |                            |              |                         |                |                  |               |              |
| Highway Commercial - C1            | 172.37                 | 0.34          | 2,552,869                  |              | 40,000                  |                | 191,465          |               |              |
| Industrial - I1                    | 150.53                 | 1.03          | 1,688,450                  |              | 40,000                  |                | 126,634          |               |              |
| Residential - R1                   | 129.70                 |               |                            | 0.825        | 50,000                  | 98             | 20,043           | 267           | 52           |
| Subtotal                           | 452.60                 |               | 4,241,318                  |              |                         | 98             | 338,142          |               |              |
| <b>Gardner</b>                     |                        |               |                            |              |                         |                |                  |               |              |
| Commercial 1 - COM 1               | 21.30                  | 0.33          | 306,183                    |              | 10,000                  |                | 22,964           |               |              |
| Industrial I - IND 1               | 88.93                  | 0.42          | 1,626,992                  |              | 10,000                  |                | 122,024          |               |              |
| Industrial II - IND 2              | 48.44                  | 0.53          | 1,118,325                  |              | 30,000                  |                | 83,874           |               |              |
| Single Family Residential 1 - SFR1 | 80.03                  |               |                            | 0.872        | 12,500                  | 243            | 42,862           | 571           | 90           |
| Rural Residential 2 - RR2          |                        |               |                            |              |                         |                | 96,769           |               |              |
| Land Outside the WSPOD             | 752.99                 |               |                            | 0.841        | 60,000                  | 460            |                  | 1,080         | 192          |
| Land Inside the WSPOD              | 307.20                 |               |                            | 0.872        | 130,680                 | 89             |                  | 210           | 37           |
| Subtotal                           | 1,298.90               |               | 3,051,500                  |              |                         | 792            | 368,494          | 1,862         | 319          |
| <b>Grand Total</b>                 | <b>3,454.99</b>        |               | <b>28,027,312</b>          |              |                         | <b>1,240</b>   | <b>2,333,893</b> | <b>3,091</b>  | <b>572</b>   |

For the base case scenario, 130 acres of developable land in Westminster's R-1 district could yield 98 new dwelling units using the minimum lot size of 50,000 sq. ft. This would generate 267 new residents and 52 new students based on multipliers of 2.73 people per household and 0.53 public school students per household from the 2000 Census. In Commercial 1, 172 acres of developable land could yield about 2.55 million square feet of floor



Westminster – Rt. 2 Area

area. In Industrial 1, 151 acres of developable land could result in 1.69 million sq. ft. of floor area. Altogether, this new growth would have a water demand of 338,142 gallons per day.

### Winchendon

Winchendon has the largest amount of developable land in the study area. This is partially due to incorporating large commercial and industrial districts that lie beyond the ½ mile corridor. Town representatives believed future development in these areas would have a significant impact on traffic growth and wished to assess the magnitude of growth current zoning would allow. 45.7% of the study area in Winchendon is available for development, or about 1,700 acres. About half of this land is zoned for residential use. With a two-acre minimum lot size in the Rural Residential district, the 827.5 developable acres would allow 350 dwelling units. This growth would increase the Town's population by 962 residents and add 202 students to the public school system (based on multipliers of 2.75 people and 0.576 students per household).

The Winchendon portion of the study area contains a large amount of developable land zoned for non-residential uses, about 400 acres for commercial development and 479 acres for industrial development. Combined, there are 876 acres of developable land that has a potential buildout of 20.7 million sq. ft. of floor space. Clearly, such a large amount of development would have major consequences on traffic along Route 140. Water demand from all future development would exceed 1.6 million gallons per day.

### Study Area Summary

On the whole, the Buildout Analysis reveals that there is a significant amount of room available for new growth in the Route 140 Corridor. Of the 9,653 acres in the entire study area, over half (56.3%) is undevelopable; however, 35.8% of the total acreage is developable, which is 4.6 times as much as the land already developed (7.9% of the study area). While Gardner has the most land, 68.4% of it is undevelopable. Winchendon has the most developable land in the study area, 1,703 acres, which comprises 50% of all developable land.

Furthermore, 65% of the developable commercial and industrial land in the study area is in Winchendon. Combined all three communities offer 1,958 ac. of developable commercial and industrial land, which can accommodate 28.0 million sq. ft. of non-residential floor space. Winchendon's potential 20.7 million sq. ft. of floor space comprises 74% of the commercial and industrial development at buildout in the study area. Gardner's 3.0 million sq. ft. and Westminster's 4.2 million sq. ft. comprise 15.1% and 10.9% respectively of the Corridor's potential commercial and industrial build-out.



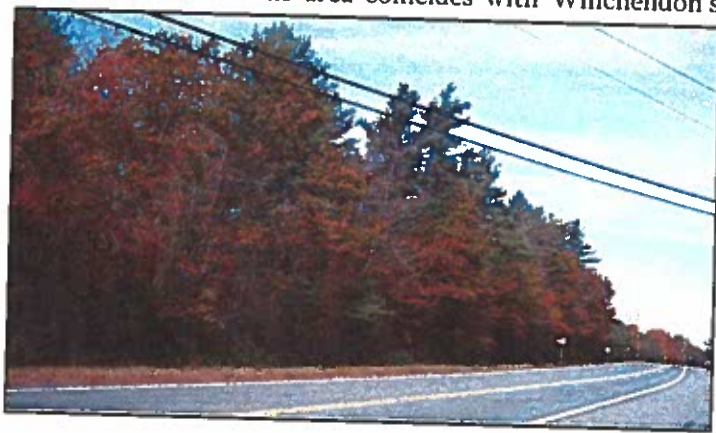
Residentially, about 2,100 acres is developable, which comprises 61% of all developable land. Gardner contains 54%, and Winchendon 40%, of the total developable residential land. This residential property in the study area could accommodate 1,240 new dwelling units. Gardner has 1,140 acres of developable residential land and would yield the largest number of new units, 792, or 64% of the total units.

### ALTERNATIVE GROWTH SCENARIOS

As noted above, it is possible to modify the data and assumptions in the Buildout Analysis to test different growth policies. For example, local officials might wish to see the results from re-zoning residential land to a commercial district, increasing minimum lot size requirements in a residential district, or establishing a high density mixed-use zoning district at a transportation node to encourage a more compact, pedestrian-scale, village-style development. The Steering Committee considered this opportunity, and members from Gardner and Winchendon proposed an alternative development scenario for their communities. In Westminster, local officials believe the existing zoning pattern is a good one. Developable land along Route 140 is already zoned for commercial and industrial purposes, and near-by residential developments limit opportunities for re-zoning.

### Winchendon Alternative Growth Scenario

Winchendon officials want to explore the possibility of future opportunities for economic development along Route 140 in the southern part of Town by re-zoning land from Rural Residential to Commercial 1. This area coincides with Winchendon's "Gateway Overlay District", where



Winchendon – Gateway Area

special development standards apply to minimize the traffic impacts of new development. It includes the area along the westerly side of Route 140 from the southern end of the C-1 district to the Gardner line with a depth of 500'; on the easterly side, it includes the area bounded by Route 140, the Gardner line, and the North Central Pathway rail trail. Map 5 displays the revised zoning boundaries used in the alternative buildout analysis.

The new district contains 347.4 acres, of which 251.5 ac. are developable according to the GIS analysis. Keeping the zoning standards of the C-1 district constant, the land would accommodate 5.4 million sq. ft. of commercial floor area. Correspondingly, the residentially zoned acreage in the Winchendon portion of the study area falls to 581.1 acres, resulting in a decrease of 104 dwelling units at buildout. Table 3 compares the Winchendon study area buildout under the base and alternative scenarios.



**Table 3**  
**Winchendon Commercial Development Scenario**

|                          | Base Scenario | Gateway Scenario | Change    |
|--------------------------|---------------|------------------|-----------|
| Developable Acres in RR  | 827.5         | 581.1            | -246.4    |
| Developable Acres in C-1 | 396.7         | 643.0            | 246.4     |
| New Dwelling Units       | 350           | 246              | -104      |
| Commercial Floor Area    | 8,708,588     | 14,117,454       | 5,408,866 |
| Industrial Floor Area    | 12,025,905    | 12,025,905       | 0         |
| New Residents            | 962           | 676              | -286      |
| New Students             | 202           | 142              | -60       |
| Water Demand             | 1,627,257     | 2,011,435        | 384,178   |

Winchendon could view the possibility of re-zoning this portion of the study area as an opportunity to achieve greater economic development. Winchendon has a great deal of land already zoned for commercial and industrial purposes in the area, and officials should consider the effect on those properties of encouraging commercial development here. A less intensive alternative Winchendon could consider is to adopt a planned development bylaw that would allow large projects by special permit within the Gateway Overlay district. For example, a planned business development bylaw could allow a large shopping plaza or big-box retail outlet subject to reasonable regulations to protect residential abutters.

In either case, the presence of the highway affords excellent access to developable property. The re-zoning scenario would increase the amount of developable land in C-1 by about 250 acres. Correspondingly, the number of potential dwelling units would decrease by more than 100, lessening the demand for municipal services and school education costs. The idea of allowing some commercial or industrial development here has merit and local officials could explore it further. This buildout analysis at least provides an initial basis for understanding the long-range land use consequences of the decision.

### Gardner Alternative Growth Scenario



Gardner - Matthews St. Area

In 2006, Martin Wolons proposed a high-density, mixed use development concept along the westerly side of Route 140 in the vicinity of Pearl and Matthews Streets. The developer sought approval under the state's "Smart Growth" statute, MGL Chapter 40R, which promotes multi-family housing, including affordable units, to create town center-style developments. In return for encouraging housing production, a community receives incentive

payments from the state. Chapter 40R requires approval of a discrete zoning district by the local legislative body to demonstrate community support and establish local standards for design. The project consisted of 650 units of housing and 200,000 square feet of commercial space on 114 acres. Because of poor economic conditions, the developer abandoned the project. Since the site remains vacant, has good highway access, and is near public water and sewer systems, Gardner Steering Committee members asked to run an alternative growth scenario at this location to help understand possible impacts of a large development here.

With several parcels under common ownership, the analysis incorporates the same area as the 40R project. Map 6 displays the revised zoning boundaries used in this scenario. Rather than a predominantly residential project, this hypothetical development assumes a mix of light industrial and office uses, termed the LI-O scenario<sup>2</sup>. The GIS analysis determined that 82.3 acres of the site are developable. The LI-O scenario allocates 50% of the developable land for light industry and 50% for office and research and development. Industrial uses tend to favor extensive one-story buildings and have a relatively low parking demand; office and research uses favor multi-story buildings and have a higher parking demand due to the employee-intensive nature of such businesses. Combining these uses, the LI-O scenario assumes an overall Effective FAR of 0.5 for the district. Table 4 displays the results of this scenario.

**Table 4**  
**Gardner Mixed-Use Development Scenario**

|                           | Base Scenario | LI-O Scenario | Change    |
|---------------------------|---------------|---------------|-----------|
| Developable Acres in RR   | 1,061.3       | 979.06        | -82.3     |
| Developable Acres in LI-O | 0             | 82.3          | 82.3      |
| New Dwelling Units        | 792           | 742           | -50       |
| New LI-O Floor Area       | 0             | 1,792,058     | 1,792,058 |
| New Residents             | 1,862         | 1,744         | -118      |
| New Students              | 319           | 298           | -21       |
| Water Demand              | 368,444       | 359,639       | -8,805    |

The proposed Light Industry-Office scenario could yield an additional 1.8 million sq. ft. of non-residential floor space at buildout. This location is currently zoned RR and is outside the WSPOD; removing the land from RR could reduce the number of dwelling units by 50 units. This scenario provides an interesting counter-point to the chapter 40R project, which contained 650 dwelling units and 200,000 sq. ft. of retail space. Assuming the previous developer had proposed a realistic concept based on infrastructure capacity and the site's physical conditions, it is plausible that the location could also accommodate an intensive industrial park or office/research complex. Gardner officials may wish to examine surrounding land uses to assess whether such a use would be compatible with the neighborhood and consider alternative development schemes, e.g. including a residential or commercial component.

<sup>2</sup> To create a residential component, Gardner's Smart Growth Planned Unit Development (SGPUD) allows up to 50% of a tract to consist of residential uses.

## LAND USE GOAL

The following land use goal sets an overall growth policy for communities to plan and develop the Route 140 Corridor to achieve the highest and best use of the available land and public infrastructure for the benefit of the three communities:

*Communities connected by Route 140 should proactively plan together for future growth. Through innovative zoning measures communities will foster a sustainable pattern of development, one that preserves roadway capacity and public safety, promotes economic development, conserves resources, and achieves high standards of design.*

## RECOMMENDATIONS

The preceding analysis documents the considerable amount of developable land in the Corridor and the large potential for economic growth. Most communities welcome new economic development because it creates jobs and adds to the local tax base without overwhelming municipal services. However, such growth should not occur at the expense of community character, environmental excellence, or quality of life. Despite the vast potential for new growth in the Corridor, the challenge is not to just recruit new business but to achieve high quality development. The following recommendations offer techniques to balance economic opportunity and preserve community character so that residents may enjoy the benefits of new growth.

1. Implement access management controls by limiting the number of curb cuts directly onto Route 140, requiring common driveways where feasible, and connecting adjoining properties through internal access roads to lower the number of turning movements onto the highway. Winchendon's Gateway Overlay District is a good example of a regulation that seeks to control access to Route 140 and avoid commercial sprawl.
2. Modify land use controls to allow a higher intensity of development at key intersections where roadway capacity exists and water and sewer services are available.
3. Preserve scenic views through strategic purchases of open space, acquisition of view easements, or requirements for photo-simulation during site plan review to consider alternative building configurations.
4. Review sign regulations to insure that signs permitted in commercial and industrial districts minimize visual clutter. Restrict billboards and other non-accessory signs.
5. Authorize sharing of parking or reducing parking requirements when complementary uses have different peak hours of parking demand.
6. Require traffic impact studies for large-scale developments.
7. Review development design standards to achieve high quality development, for example:
  - ❖ Add landscaping requirements in parking lots, along road frontage, and around buildings.
  - ❖ Establish protective buffers adjacent to residential uses.
  - ❖ Set architectural standards to promote visual interest, such as pitched roofs, exterior building materials, awnings, etc.
  - ❖ Require screening of dumpsters, utility structures, and outdoor storage areas.
  - ❖ Provide safe, pleasant, and accessible paths for pedestrians within new developments and from adjacent neighborhoods.

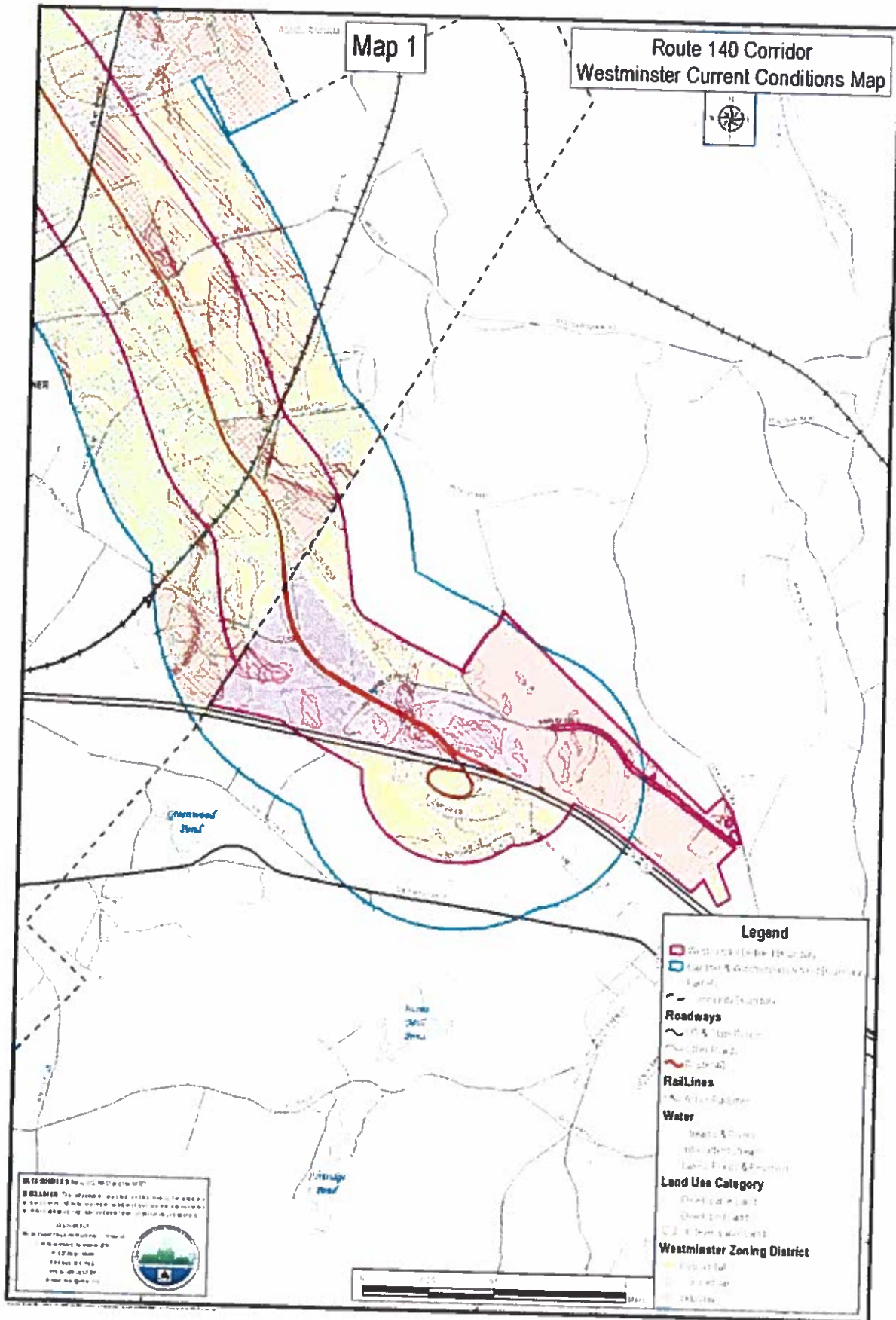
- ❖ Use Low Impact Development (LID) stormwater management techniques to contain and purify runoff on-site and improve development aesthetics.
- ❖ Set lighting requirements and use fixtures with cutoffs to curtail light impacts.
- ❖ Place wiring underground.

MRPC could take the lead by creating a process to develop model design standards applicable to similar highway corridors throughout its Region.

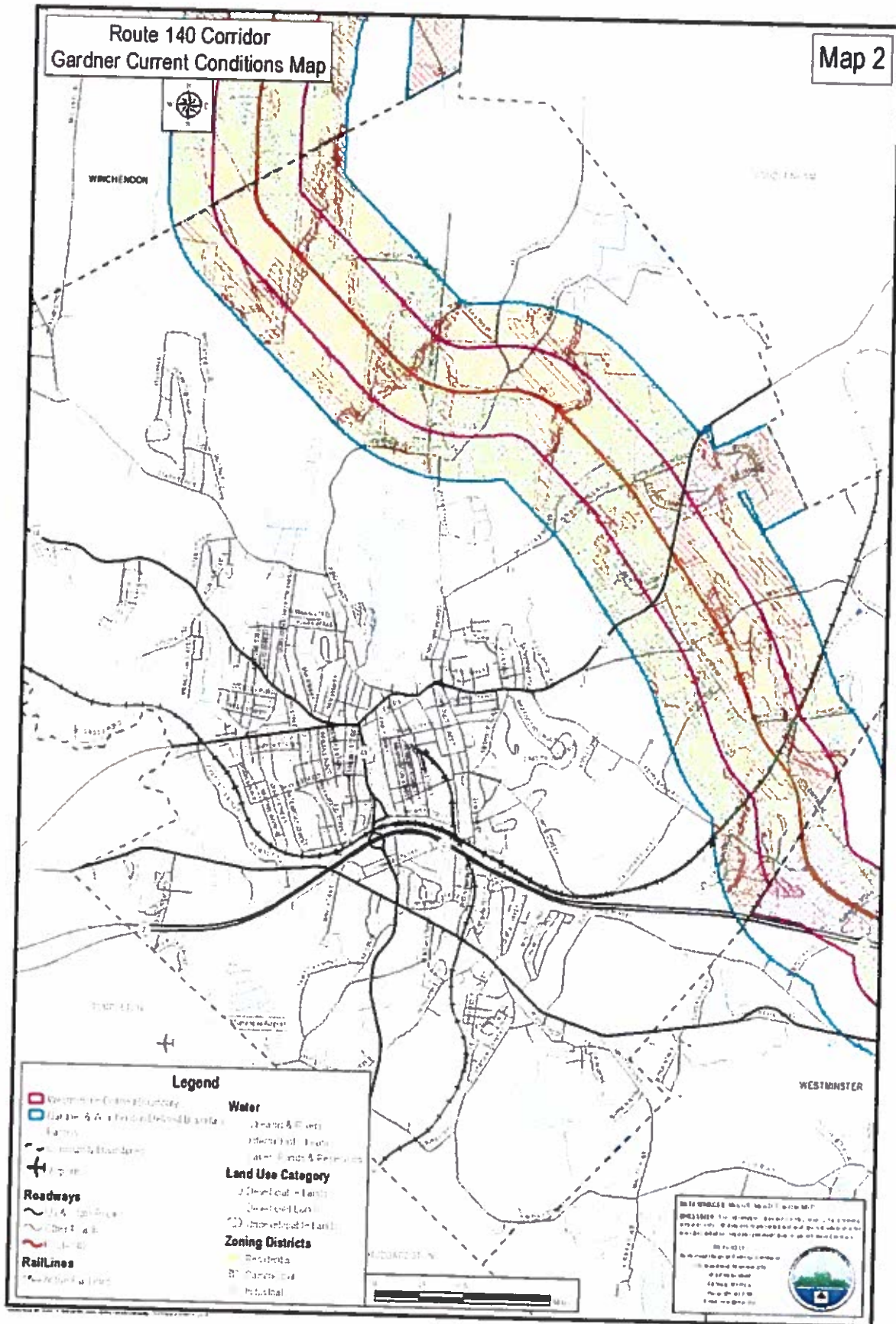
8. Continue to analyze re-zoning opportunities in Winchendon and Gardner as outlined in the alternative growth scenarios discussed above.
9. Provide connecting links to the North Central Pathway rail trail as a way to promote commuter access by bicycle. Continue to extend the trail along its entire proposed 16-mile length for recreational use and as a tourism attraction.
10. Work with MassDOT to pursue nomination of Route 140 as a Scenic Byway. Once approved, communities are eligible for additional federal grants for planning, marketing, roadway improvements, and public amenities. After preparing a Management Plan, implementation funding may be used for a variety of projects such as: constructing links to nearby recreation areas, installing historic markers, building off-road parking areas, developing informational kiosks, preserving scenic vistas, etc. The Scenic Byway Program is an avenue for obtaining funds for enhancement projects based on a management plan that has been informed through significant public participation. It has no regulatory effect on private property.
11. Pool resources to develop a regional marketing strategy to tout the assets present in the Corridor for economic development. Consider a unique moniker for Route 140 that evokes an image of beauty, local history, and community resourcefulness.
12. Work cooperatively to protect public water supplies. A portion of Gardner's public water supply watershed for Crystal Lake extends across the city line into Winchendon. An important goal of Gardner's "Open Space and Recreation Plan" is to seek regional cooperation and develop inter-municipal agreements to assure protection of its water supply. As growth takes place in south Winchendon, the two communities should execute an inter-municipal agreement that encourages sustainable resource management and best practices for new development to minimize any potential water quality degradation. As a regional issue, MRPC could assist in drafting an acceptable agreement that would advance the land use and environmental goals of each community.
13. Develop alternatives to frequent driveway openings onto Route 140. The Buildout Maps reveal that residential zoning districts occupy large stretches of Route 140. The danger exists that over time, individual lots with single family homes will each have a driveway with access onto Route 140. Homeowners will enter and exit these lots on a frequent basis interfering with the smooth flow of traffic and creating unsafe travel conditions, especially in severe weather. Communities should encourage alternatives to individual driveways, such as common driveways, subdivision roads, and frontage roads parallel to Route 140, to provide controlled points of access onto the highway.
14. Consider larger setbacks from the highway for residential uses. As traffic growth increases along Route 140, traffic noise and congestion will make abutting property less desirable for single family homes. This impact can be mitigated by deeper front setbacks and landscape buffers to help maintain lot privacy.
15. Explore regional zoning regulations to enhance inter-municipal cooperation in managing development in order to protect the character of the corridor. Since Route 140 is a regional asset and engine for economic growth, the communities may wish to explore adoption of a

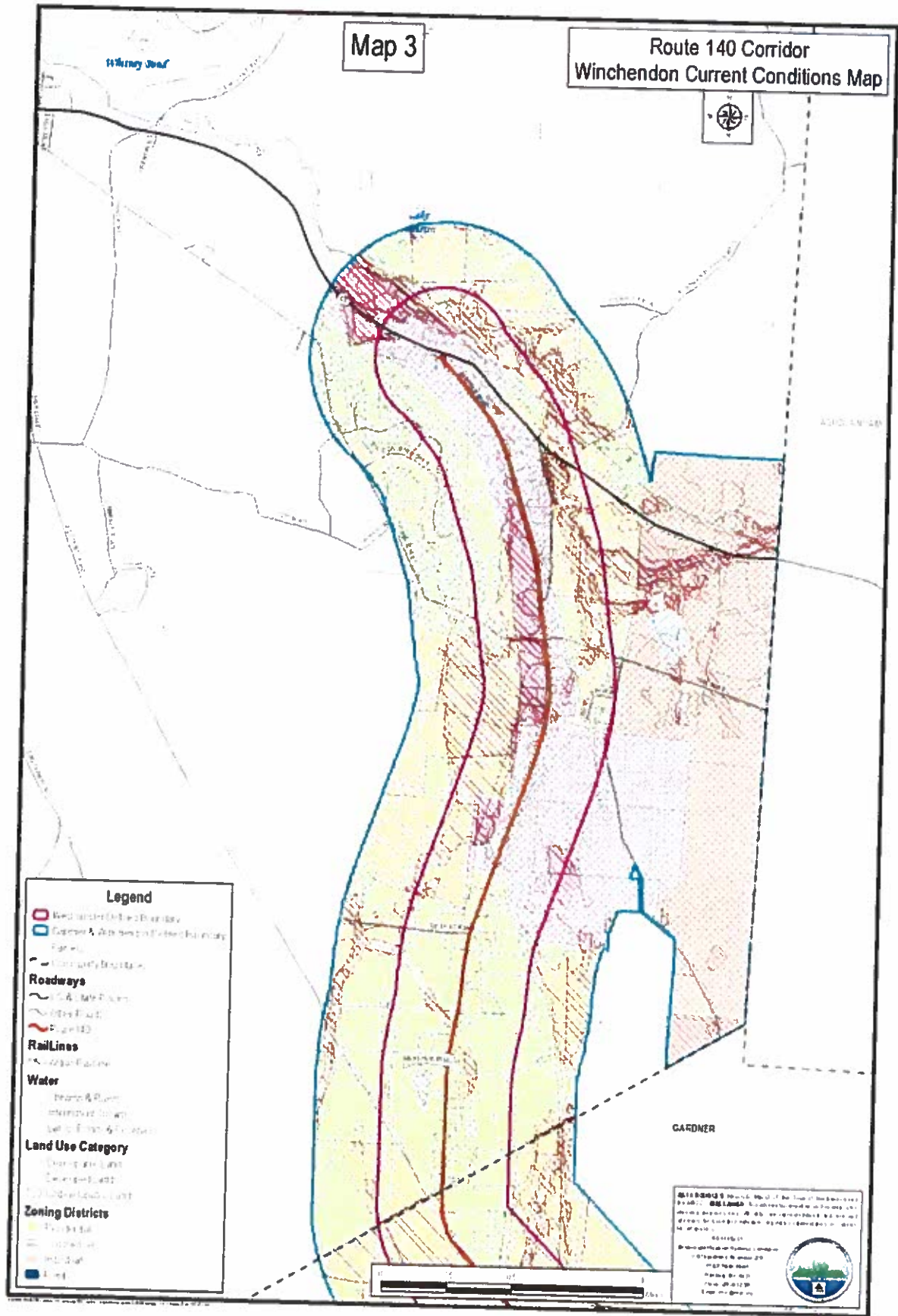
regional Highway Corridor Overlay District. MRPC could also assist in this endeavor. Such an approach would allow for inter-community consultation on major development projects, establish common design and development standards, and encourage access management techniques to preserve roadway capacity and protect motorist safety. This concept has worked well in the Blackstone Valley where three communities adopted a model Route 146 Corridor Overlay District zoning bylaw. Each community decides which uses are most appropriate for its section of the Route 146 Corridor, and the Overlay District establishes consistent design standards to manage development along the roadway to protect its scenic, historical, and natural resource values.



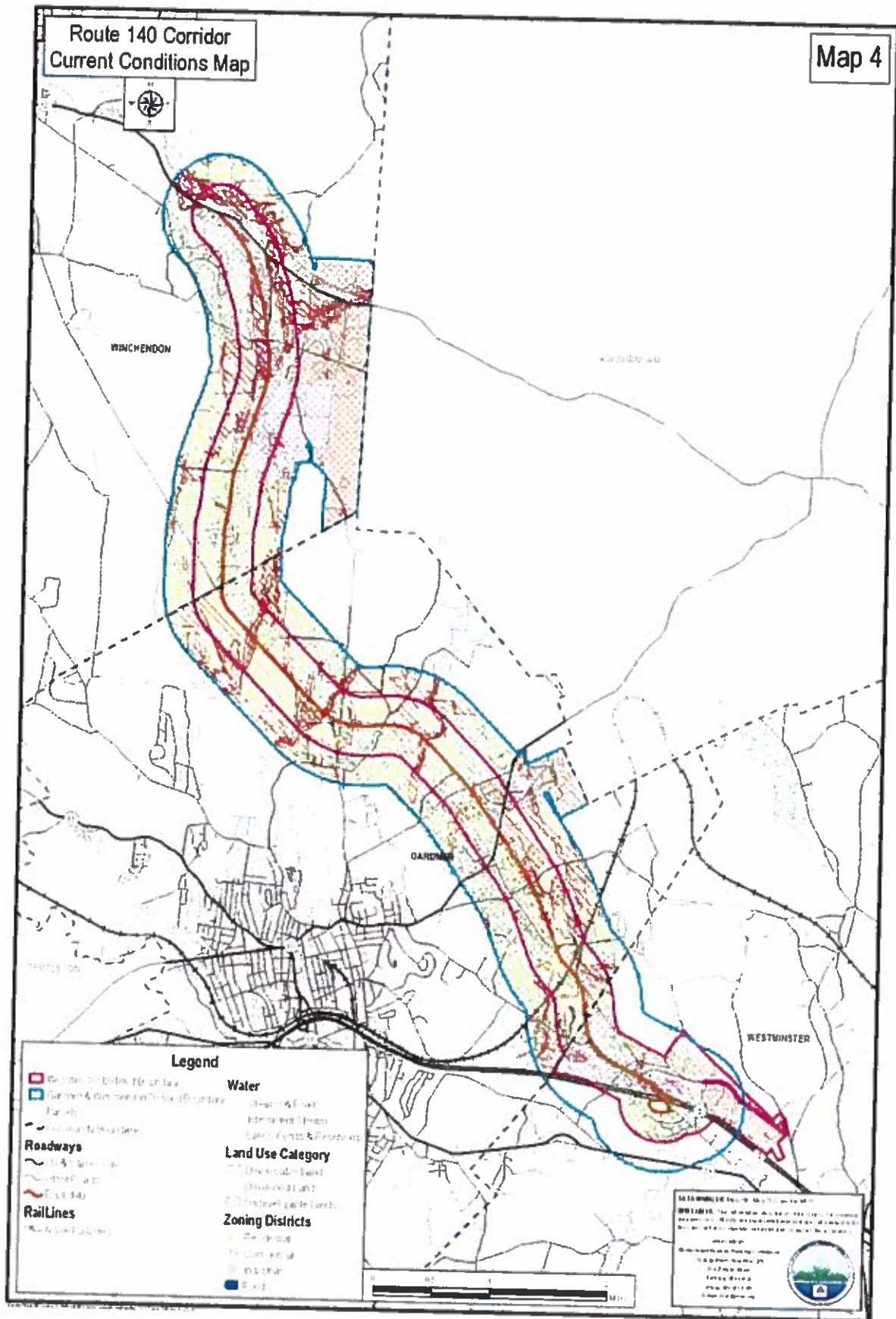


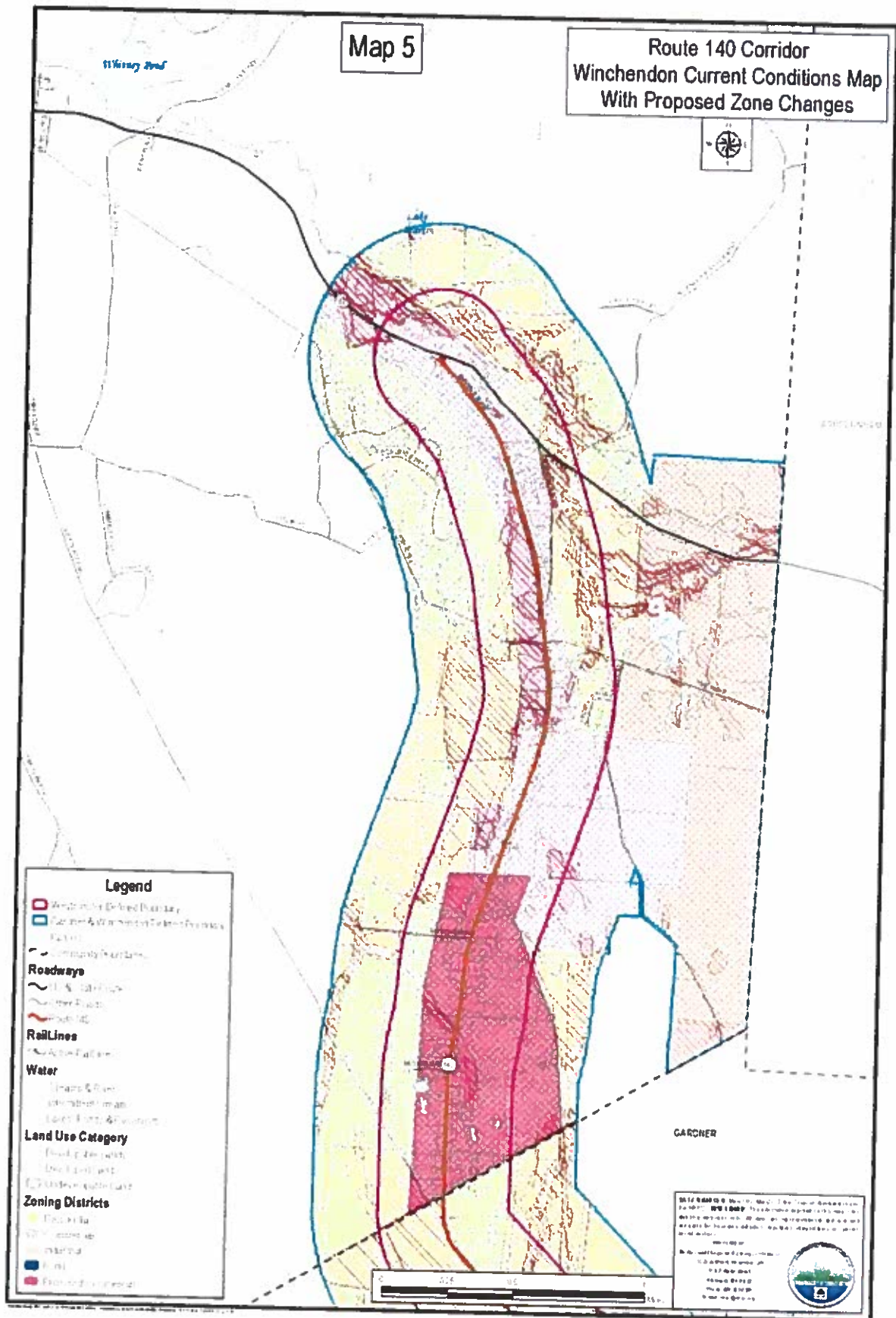




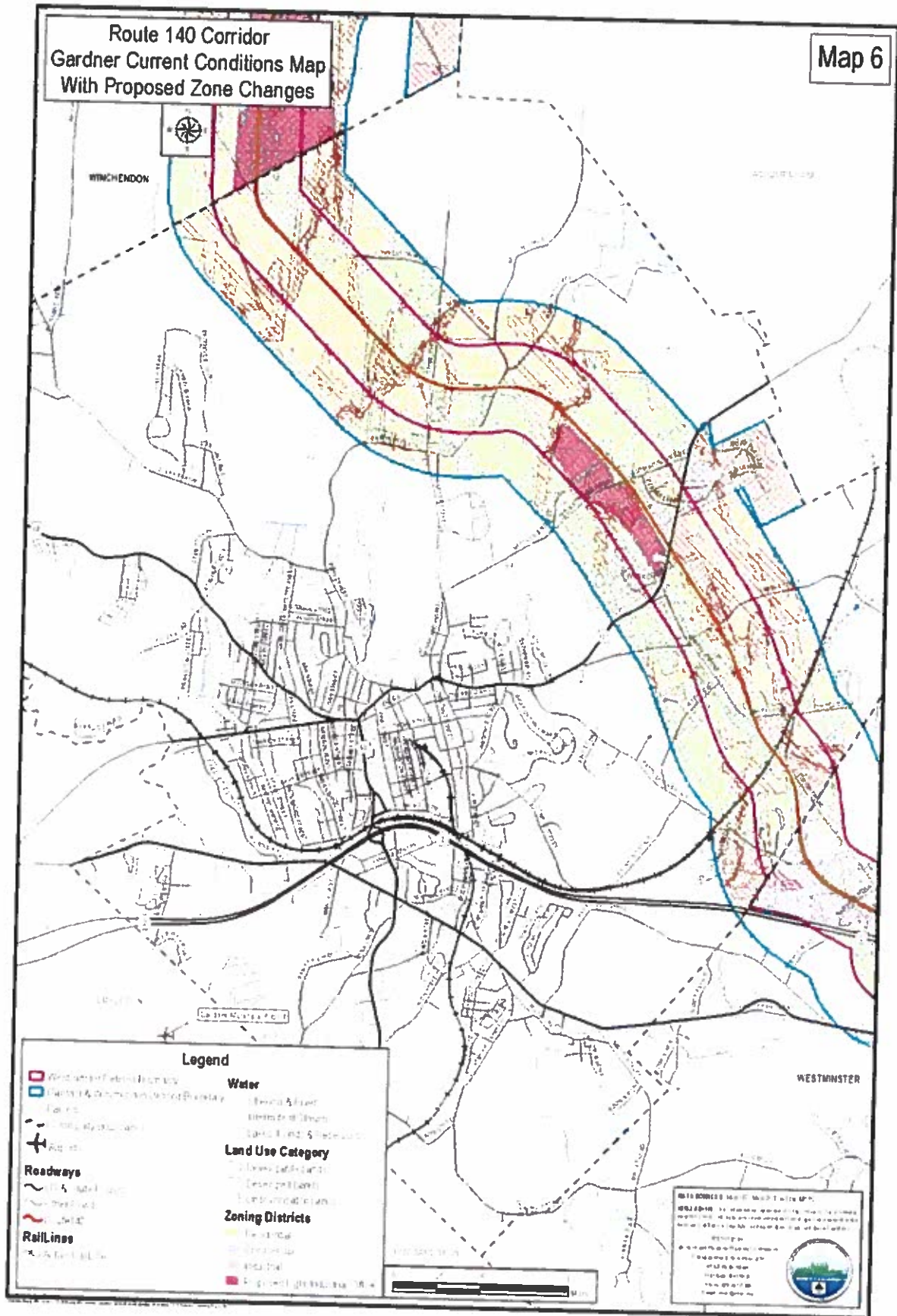












**Properties Included In  
Zoning Change  
Proposal**

**(Property Record Cards  
And Deeds)**



**Parcel ID:**

M47-24-01

**Address:**

No Formal Address

**Owner:**

City of Gardner

**Other:**

Vacant Wooded Lot

Property Location GREEN ST  
 Vision ID 2011

Map ID MA7124/1/1

Bldg Name Sec # 1 of 1

Card # 1 of 1

State Use 9300

Print Date 1/5/2023 2:14:46 PM

CITY OF GARDNER  
 95 PLEASANT ST STE 125  
 GARDNER MA 01440

Account #

GIS ID M\_158843\_929980

Assoc Pktd#

TOPO

UTILITIES

STRT/ROAD

LOCATION

4 Rolling  
 1 Paved  
 2 Suburban

EXM LAND

Code 9300

Appraised 334,100

Assessed 334,100

All Pcd ID  
 Sub-Div  
 Photo  
 Ward  
 Prec.

Supplemental Data

316  
 GARDNER, MA

VISION

RECORD OF OWNERSHIP

BK-VOL/PAGE SALE DATE Q/U V/ SALE PRICE VC

Year Code

Assessed Year

Code

Assessed

1 0 01-01-1900 Q V 0 00

2023 9300

334,100 2022 9300

315,700 2021 9300

308,100

EXEMPTIONS

Amount Code Description Number

Amount

Comm Int

Total

334,100

308,100

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg Value (Card) 0

Appraised X (B) Value (Bldg) 0

Appraised Ob (B) Value (Bldg) 0

Appraised Land Value (Bldg) 334,100

Special Land Value 0

Total Appraised Parcel Value 334,100

ASSESSING NEIGHBORHOOD

Nbhd 0001

Nbhd Name B

Tracing

Batch

NOTES

BUILDING PERMIT RECORD

Permit Id Issue Date Type Description Amount Insp Date % Comp Date Comp

Comments

Total Appraised Parcel Value 334,100

VISIT/CHANGE HISTORY

| Date       | Id  | Type | Is | Cd | Purpose/Result |
|------------|-----|------|----|----|----------------|
| 05-25-2022 | CK  |      |    | 22 | Vacant Parcel  |
| 10-28-2008 | JAG |      |    | 99 |                |
| 09-15-1995 | RM  |      |    | 00 | Measur+Listed  |
| 06-15-1981 | 79  |      |    | 00 | Measur+Listed  |

LAND LINE VALUATION SECTION

| Use Code | Description       | Zone | Land Type | Land Units            | Unit Price | Size Adj. | Site Index                     | Cond. | Nbhd  | Nbhd Adj | Notes | Special Use | Adj Unit Price           | Land Value |
|----------|-------------------|------|-----------|-----------------------|------------|-----------|--------------------------------|-------|-------|----------|-------|-------------|--------------------------|------------|
| 9300     | City of Gardner V | R2   |           | 43,560                | 1.74       | 1.00000   | 5                              | 1.00  | 1,000 | 1,000    | AD    | 0           | 1.74                     | 75,900     |
| 9300     | City of Gardner V | R1   |           | 122,800               | 4,000.00   | 0.72000   | 0                              | 1.00  | 1,000 | 1,000    |       | 0           | 2,102.4                  | 258,200    |
|          |                   |      |           | Total Card Land Units | 123.80     | AC        | Parcel Total Land Area: 123.80 |       |       |          |       |             | Total Land Value 334,100 |            |

**CONSTRUCTION DETAIL**

**CONSTRUCTION DETAIL (CONTINUED)**

| Element            | Cd | Description | Element | Cd | Description |
|--------------------|----|-------------|---------|----|-------------|
| Style: 00          |    | Vacant Land |         |    |             |
| Model:             |    |             |         |    |             |
| Grade:             |    |             |         |    |             |
| Stories:           |    |             |         |    |             |
| Occupancy:         |    |             |         |    |             |
| Exterior Wall 1:   |    |             |         |    |             |
| Exterior Wall 2:   |    |             |         |    |             |
| Roof Structure:    |    |             |         |    |             |
| Roof Cover:        |    |             |         |    |             |
| Interior Wall 1:   |    |             |         |    |             |
| Interior Wall 2:   |    |             |         |    |             |
| Interior Fir 1:    |    |             |         |    |             |
| Interior Fir 2:    |    |             |         |    |             |
| Heat Fuel:         |    |             |         |    |             |
| Heat Type:         |    |             |         |    |             |
| AC Type:           |    |             |         |    |             |
| Total Bedrooms:    |    |             |         |    |             |
| Total Bathrms:     |    |             |         |    |             |
| Total Half Baths:  |    |             |         |    |             |
| Total Xtra Fixtrs: |    |             |         |    |             |
| Total Rooms:       |    |             |         |    |             |
| Bath Style:        |    |             |         |    |             |
| Kitchen Style:     |    |             |         |    |             |

**MIXED USE**

| Code | Description       | Percentage |
|------|-------------------|------------|
| 9300 | City of Gardner V | 100        |
|      |                   | 0          |
|      |                   | 0          |

**COST/MARKET VALUATION**

|                          |   |
|--------------------------|---|
| RCN                      | 0 |
| Year Buill               |   |
| Effective Year Buill     | 0 |
| Depreciation Code        | 0 |
| Remodel Rating           |   |
| Year Remodeled           |   |
| Depreciation %           | 0 |
| Functional Obsol         | 0 |
| Economic Obsol           | 0 |
| Trend Factor             | 1 |
| Condition                |   |
| Condition %              | 0 |
| Percent Good             | 0 |
| RCNLD                    | 0 |
| Dep % Ovr                |   |
| Dep Ovr Comment          |   |
| Misc Imp Ovr             |   |
| Misc Imp Ovr Comment     |   |
| Cost to Cure Ovr         |   |
| Cost to Cure Ovr Comment |   |

**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

| Code | Description | LB | Units | Unit Price | Yr Bilt | Cond Cd | % Gd | Grade | Grade Adj | Appr. Value |
|------|-------------|----|-------|------------|---------|---------|------|-------|-----------|-------------|
|------|-------------|----|-------|------------|---------|---------|------|-------|-----------|-------------|

**BUILDING SUB-AREA SUMMARY SECTION**

| Code | Description | Living Area | Floor Area | Eir Area | Unit Cost | Undeprec Value |
|------|-------------|-------------|------------|----------|-----------|----------------|
|------|-------------|-------------|------------|----------|-----------|----------------|

Tot Gross Lvr / Lease Area

0 0 0 0 0

No Sketch



**Parcel ID:**

M42-08-08

**Address:**

No Formal Address

**Owner:**

Andre and Suzanne Guertin

**Other:**

Vacant Lot

**CURRENT OWNER** GUERTIN ANDRE E & SUZANNE G  
**TOPO**  
**UTILITIES**  
**STRT / ROAD**  
**LOCATION**

582 PEARL ST  
 GARDNER MA 01440

GIS ID M\_158949\_929595  
 Assoc Pld#

All Pcd ID  
 Sub-Div  
 Photo  
 Ward  
 Prec.

316  
 GARDNER, MA

# VISION

**RECORD OF OWNERSHIP**

| Year  | Code | Description | Amount | Code  | Description | Number | Amount | Code  | Description | Year  | Code | Assessed | Year  | Code | Assessed |
|-------|------|-------------|--------|-------|-------------|--------|--------|-------|-------------|-------|------|----------|-------|------|----------|
| 2023  | 7170 | 61A LAND    | 3,000  | 2022  | 7170        | 98,800 | 3,000  | 2021  | 7170        | 2,900 | 400  | 400      | 2021  | 7170 | 3,000    |
|       | 7200 | 61A LAND    | 400    |       | 7200        | 23,400 | 400    |       | 7200        | 400   |      |          |       | 7200 | 300      |
| Total |      |             | 3,400  | Total |             |        | 3,300  | Total |             |       |      |          | Total |      | 3,300    |

**EXEMPTIONS**

| Year  | Code | Description | Amount |
|-------|------|-------------|--------|
|       |      |             | 0.00   |
| Total |      |             | 0.00   |

**OTHER ASSESSMENTS**

| Nbhd  | Description | Amount |
|-------|-------------|--------|
| 0001  | B           |        |
| Total |             |        |

**ASSESSING NEIGHBORHOOD**

| Nbhd  | Description | Amount |
|-------|-------------|--------|
| 0001  | B           |        |
| Total |             |        |

**NOTES**

Appraised Bldg. Value (Card)  
 Appraised XI (B) Value (Bldg)  
 Appraised Ob (B) Value (Bldg)  
 Appraised Land Value (Bldg)  
 Special Land Value  
 Total Appraised Parcel Value

**BUILDING PERMIT RECORD**

| Permit Id | Issue Date | Type | Description | Amount | Insp Date | % Comp | Date Comp | Comments |
|-----------|------------|------|-------------|--------|-----------|--------|-----------|----------|
|           |            |      |             |        |           |        |           |          |

**LAND LINE VALUATION SECTION**

| Use Code                                                                              | Description          | Zone | Land Type | Land Units | Unit Price | Size Adj. | Site Index | Cond. | Nbhd. | Nbhd. Adj | Notes | Special Use | Adj Unit Pric | Land Value |
|---------------------------------------------------------------------------------------|----------------------|------|-----------|------------|------------|-----------|------------|-------|-------|-----------|-------|-------------|---------------|------------|
| 1                                                                                     | 7170 Productive Wood | R2   | R2        | 24,700 AC  | 4,000.00   | 1,000000  | 0          | 1.00  | 1,000 | 1,000     |       | 61A         | 120           | 4,000      |
| 1                                                                                     | 7200 Non-productive  | R2   | R2        | 6,800 AC   | 4,000.00   | 1,000000  | 0          | 1.00  | 1,000 | 1,000     |       | 61A         | 57            | 3,440      |
| 1                                                                                     | 7221 Frontage        | R2   | R2        | 0,000 FF   | 0.00       | 1,000000  | 0          | 1.00  | 1,000 | 1,000     |       | 61A         | 57            | 0          |
| Total Card Land Units 31.50 AC Parcel Total Land Area: 31.50 Total Land Value 122,200 |                      |      |           |            |            |           |            |       |       |           |       |             |               |            |

**VISIT / CHANGE HISTORY**

| Date       | Id | Type | Is | Cd | Purpose/Result |
|------------|----|------|----|----|----------------|
| 10-20-2008 | PR |      |    | 99 |                |

**APPRAISED VALUE SUMMARY**

| Value Type                    | Value   |
|-------------------------------|---------|
| Appraised Bldg. Value (Card)  | 0       |
| Appraised XI (B) Value (Bldg) | 0       |
| Appraised Ob (B) Value (Bldg) | 0       |
| Appraised Land Value (Bldg)   | 122,200 |
| Special Land Value            | 3,400   |
| Total Appraised Parcel Value  | 122,200 |

**CONSTRUCTION DETAIL (CONTINUED)**

| Element           | Cd | Description | Element | Cd | Description |
|-------------------|----|-------------|---------|----|-------------|
| Style: 99         |    |             |         |    |             |
| Model: 00         |    | Vacant Land |         |    |             |
| Grade:            |    |             |         |    |             |
| Stories:          |    |             |         |    |             |
| Occupancy:        |    |             |         |    |             |
| Exterior Wall 1   |    |             |         |    |             |
| Exterior Wall 2   |    |             |         |    |             |
| Roof Structure:   |    |             |         |    |             |
| Roof Cover:       |    |             |         |    |             |
| Interior Wall 1   |    |             |         |    |             |
| Interior Wall 2   |    |             |         |    |             |
| Interior Fir 1    |    |             |         |    |             |
| Interior Fir 2    |    |             |         |    |             |
| Heat Fuel:        |    |             |         |    |             |
| Heat Type:        |    |             |         |    |             |
| AC Type:          |    |             |         |    |             |
| Total Bedrooms    |    |             |         |    |             |
| Total Bathrms:    |    |             |         |    |             |
| Total Half Baths  |    |             |         |    |             |
| Total Xtra Fixtrs |    |             |         |    |             |
| Total Rooms:      |    |             |         |    |             |
| Bath Style:       |    |             |         |    |             |
| Kitchen Style:    |    |             |         |    |             |

| MIXED USE           |            |
|---------------------|------------|
| Code                | Percentage |
| 7170                | 100        |
| Productive Woodland | 0          |
|                     | 0          |

| COST/MARKET VALUATION |                          |
|-----------------------|--------------------------|
| RCN                   | Description              |
|                       | Year Built               |
|                       | Effective Year Built     |
|                       | Depreciation Code        |
|                       | Remodel Rating           |
|                       | Year Remodeled           |
|                       | Depreciation %           |
|                       | Functional Obsol         |
|                       | Economic Obsol           |
|                       | Trend Factor             |
|                       | Condition                |
|                       | Condition %              |
|                       | Percent Good             |
|                       | RCNLD                    |
|                       | Dep % Ovr                |
|                       | Dep Ovr Comment          |
|                       | Misc Imp Ovr             |
|                       | Misc Imp Ovr Comment     |
|                       | Cost to Cure Ovr         |
|                       | Cost to Cure Ovr Comment |

No Sketch

| OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) |             |     |       |            |          |          |      |       |            |             |
|--------------------------------------------------------------------|-------------|-----|-------|------------|----------|----------|------|-------|------------|-------------|
| Code                                                               | Description | L/B | Units | Unit Price | Yr. Bill | Cond. Cd | % Gd | Grade | Grade Adj. | Appr. Value |
|                                                                    |             |     |       |            |          |          |      |       |            |             |

| BUILDING SUB-AREA SUMMARY SECTION |             |             |            |          |           |                |
|-----------------------------------|-------------|-------------|------------|----------|-----------|----------------|
| Code                              | Description | Living Area | Floor Area | Eff Area | Unit Cost | Undeprec Value |
|                                   |             |             |            |          |           |                |

| TOTAL GROSS LIVING / LEASE AREA |             |             |            |          |           |                |
|---------------------------------|-------------|-------------|------------|----------|-----------|----------------|
| Code                            | Description | Living Area | Floor Area | Eff Area | Unit Cost | Undeprec Value |
|                                 |             | 0           | 0          | 0        |           | 0              |



## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:50:08 PM

| Doc#                                                | Document Type | Town | Book/Page | File Date  | Consideration |
|-----------------------------------------------------|---------------|------|-----------|------------|---------------|
| 60142                                               | DEED          |      | 36139/377 | 04/20/2005 | 1.00          |
| <b>Property-Street Address and/or Description</b>   |               |      |           |            |               |
| GREEN ST, WINCHENDON RD                             |               |      |           |            |               |
| <b>Grantors</b>                                     |               |      |           |            |               |
| PERREAULT REBECCA M, PERREAULT REBECCA              |               |      |           |            |               |
| <b>Grantees</b>                                     |               |      |           |            |               |
| GUERTIN ANDRE E, GUERTIN SUZANNE G                  |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b> |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |               |      |           |            |               |



2005 00060142

Bk: 36139 Pg: 377 Doc: DEED  
Page: 1 of 3 04/20/2005 11:49 AM

**QUITCLAIM DEED**

*\**  
I, **Rebecca M. Perreault**, of Gardner, Worcester County, Massachusetts

for consideration paid, and in full consideration of One and 00/100 Dollars (\$1.00)

Grant to **Andre E. Guertin** and **Suzanne G. Guertin**, husband and wife, as tenants by the entirety,

Of 582 Pearl Street, Gardner, Worcester County, Massachusetts

with QUITCLAIM COVENANTS

the land in Gardner, Worcester County, Massachusetts,

Parcel One

A Parcel of land situated on the northerly side of the so-called Winchendon Road (now known as Green Street) leading from said Gardner to Winchendon bounded and described as follows:

BEGINNING at a point located on the northerly line of said Winchendon Road, which point is located 500 feet easterly from a stone wall at land now or formerly of one Whitney;  
THENCE S. 30° E. along said Winchendon Road 660 feet to other land of grantor herein;  
THENCE N. 57.75° E. along said land of grantor herein, 860 feet, more or less, to a drill hole in a stone wall located on the southerly side of Old John Eaton Road;  
THENCE northerly along a stone wall at land now or formerly of Rector Reed, 790 feet, more or less, to the land of the Boston & Maine Railroad and land of grantor herein;  
THENCE southwesterly along said land of grantor herein 1,450 feet, more or less, to the place of beginning.

EXCEPTING therefrom, a certain parcel of land situated at 1263 Winchendon Road on the northeasterly side of said Winchendon Road a/k/a Green Street, Route #140, in Gardner, Worcester County, Massachusetts, bounded and described as follows:

BEGINNING at the most southerly corner thereof, at an iron pin in the northeasterly line of Winchendon Road, a/k/a Green Street, Route # 140, at a corner of land of The City of Gardner;  
THENCE N. 30° 07' 16" W. by said road line 250.00 feet to an iron pin at a corner of other land of Rebecca M. Perreault, the grantor herein;  
THENCE N. 57° 14' 13" E. 525.00 feet to an iron pin;  
THENCE S. 30° 07' 16" E. 250.00 feet to an iron pin at land of the first mentioned City of Gardner, the preceding two courses being by said Perreault land;  
THENCE S. 57° 14' 13" W. by said city land 525.00 feet to an iron pin in the northeasterly line of Winchendon Road and the point of beginning.

Returned to: *Andre and Suzanne Guertin*  
582 Pearl St  
Gardner MA 01440

*Green Street Gardner MA*

*3 w/s/a Rebecca Perreault*

CONTAINING 3.0099 acres or 131,110 square feet. Said excepted parcel being shown on a plan entitled "Plan of Land prepared for Rebecca M. Perreault, (owner: Book 3142, Page 278), Gardner, MA, dated March 31, 2005, prepared by Szoc Surveyors, 32 Pleasant Street, Gardner, MA (978-632-0233) 1 inch = 80 feet, recorded in the Worcester County Registry of Deeds in Plan Book 824 Plan 96.

For grantors title see deed from the City of Garder to Herve J. Perreault and Rebecca M. Perreault, husband and wife, as tenants by the entirety, dated July 21, 1948 and recorded in the Worcester County Registry of Deeds in Book 3142, Page 278.

**Parcel Two**

The land in the northerly part of Gardner located on the northeasterly side of Green Street, formerly known as Winchendon Road, and bounded and described as follows:

BEGINNING at a point on the northerly line of said Green Street 500 feet southeasterly from the junction of said northerly line of Green Street and a stonewall forming the westerly boundary of other land now or formerly of the City of Gardner;

THENCE northeasterly by land now or formerly of Herve Perreault 1,450 feet, more or less, to the junction of the southwesterly boundary of land now or formerly of the Worcester Division of the Boston & Maine Railroad and a stonewall forming the easterly boundary of said land now or formerly of Herve Perreault;

THENCE northwesterly along said southwesterly boundary of land now or formerly of the Worcester Division of the Boston & Maine Railroad approximately 800 feet;

THENCE southwesterly approximately 400 feet to a point 50 feet easterly from the easterly edge of Wilder Brook;

THENCE southwesterly by a line parallel to and 50 feet easterly of said Wilder Brook 1,800 feet, more or less, to the said northerly line of Green Street;

THENCE southeasterly along said northerly line of Green Street approximately 50 feet to the place of beginning.

CONTAINING 17 acres, more or less.

BEING THE SAME PREMISES conveyed to Herve J. Perreault by deed of the City of Gardner dated April 18, 1951 and recorded in the Worcester County Registry of Deeds in Book 4919, Page 422. I derive my title as devisee under the Will of Herve J. Perreault, see Worcester County Probate Docket #PR 0418 EP1. Herve J. Perreault became deceased on December 30, 1997. See Affidavit of No Estate Tax Due recorded in said Registry at Book 36139, Page 375.

Executed as a sealed instrument this 12 day of April, 2005

REBECCA PERREAU Rebecca Perreault  
Rebecca M. Perreault

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

On this 12 day of April, 2005, before me, the undersigned notary public, personally appeared Rebecca M. Perreault, proved to me through satisfactory evidence of identification, which was Work ID, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



M. Celeste Reynolds  
M. Celeste Reynolds

Notary Public  
My commission expires:



M. CELESTE REYNOLDS  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 25, 2007

ATTEST: WORC. Anthony J. Vigliotti, Register

**Parcel ID:**

M42-08-05

**Address:**

1263 Green St

**Owner:**

George Perrault

**Other:**

Current use would be grandfathered in the  
event of a zoning change

Property Location 1263 GREEN ST  
 Vision ID 2003  
 Account #  
 Map ID M42/ 8/ 5/ / Bldg # 1  
 Bldg Name Sec # 1 of 1  
 Card # 1 of 1  
 State Use 1010  
 Print Date 15/2023 2:13:47 PM

|                        |  |                          |          |                  |         |                 |  |                           |          |             |  |  |
|------------------------|--|--------------------------|----------|------------------|---------|-----------------|--|---------------------------|----------|-------------|--|--|
| <b>CURRENT OWNER</b>   |  | <b>UTILITIES</b>         |          | <b>STRY/ROAD</b> |         | <b>LOCATION</b> |  | <b>CURRENT ASSESSMENT</b> |          | 316         |  |  |
| PERREAULT GEORGE T     |  | 2 High                   | 5 Well   | 1 Paved          | 3 Rural |                 |  | Code                      | Assessed | GARDNER, MA |  |  |
| C/O THEODORE PERREAULT |  |                          | 6 Septic |                  |         |                 |  | 1010                      | 170,700  | VISION      |  |  |
| 1263 GREEN ST          |  | <b>SUPPLEMENTAL DATA</b> |          |                  |         |                 |  | 1010                      | 65,000   |             |  |  |
| GARDNER MA 01440       |  | All Prci ID              |          |                  |         |                 |  |                           |          |             |  |  |
|                        |  | Sub-Div                  |          |                  |         |                 |  |                           |          |             |  |  |
|                        |  | Photo                    |          |                  |         |                 |  |                           |          |             |  |  |
|                        |  | Ward                     |          |                  |         |                 |  |                           |          |             |  |  |
|                        |  | Prec.                    |          |                  |         |                 |  |                           |          |             |  |  |
| GIS ID M_158951_929317 |  | Assoc Pld#               |          |                  |         |                 |  |                           |          |             |  |  |

|                            |            |      |             |                                       |        |          |      |          |      |      |          |
|----------------------------|------------|------|-------------|---------------------------------------|--------|----------|------|----------|------|------|----------|
| <b>RECORD OF OWNERSHIP</b> |            |      |             | <b>PREVIOUS ASSESSMENTS (HISTORY)</b> |        |          |      |          |      |      |          |
| BK/VOL/PAGE                | SALE DATE  | Q/U  | V/I         | SALE PRICE                            | VC     | Year     | Code | Assessed | Year | Code | Assessed |
| 36858 0059                 | 07-22-2005 | U    | 1           | 1A                                    | 0      | 2023     | 1010 | 170,700  | 2022 | 1010 | 145,900  |
| 03142 0278                 |            |      |             |                                       |        |          | 1010 | 65,000   |      | 1010 | 50,600   |
| <b>EXEMPTIONS</b>          |            |      |             | <b>OTHER ASSESSMENTS</b>              |        |          |      |          |      |      |          |
| Description                | Amount     | Code | Description | Number                                | Amount | Comm Int |      |          |      |      |          |
| Total                      | 0.00       |      |             |                                       |        |          |      |          |      |      |          |

|       |  |      |             |         |      |             |        |        |          |
|-------|--|------|-------------|---------|------|-------------|--------|--------|----------|
| Year  |  | Code | Description | Amount  | Code | Description | Number | Amount | Comm Int |
| Total |  |      |             | 196,500 |      |             |        |        | 176,800  |

**APPRaised VALUE SUMMARY**

|                                     |                |
|-------------------------------------|----------------|
| Appraised Bldg. Value (Card)        | 168,700        |
| Appraised XI (B) Value (Bldg)       | 2,000          |
| Appraised Ob (B) Value (Bldg)       | 0              |
| Appraised Land Value (Bldg)         | 65,000         |
| Special Land Value                  | 0              |
| <b>Total Appraised Parcel Value</b> | <b>235,700</b> |

**BUILDING PERMIT RECORD**

| Permit Id                          | Issue Date     | Type | Description | Amount     | Insp Date                      | % Comp    | Date Comp  | Comments |       |           |       |
|------------------------------------|----------------|------|-------------|------------|--------------------------------|-----------|------------|----------|-------|-----------|-------|
| <b>LAND LINE VALUATION SECTION</b> |                |      |             |            |                                |           |            |          |       |           |       |
| B Use Code                         | Description    | Zone | Land Type   | Land Units | Unit Price                     | Size Adj. | Site Index | Cond.    | Nbhd. | Nbhd. Adj | Notes |
| 1 1010                             | Single Fam MDL | R2   |             | 60,000 SF  | 1.30                           | 0.75000   | 4          | 1.00     |       | 1.000     |       |
| 1 1010                             | Single Fam MDL | R2   |             | 1.620 AC   | 4,000.00                       | 1.00000   | 0          | 1.00     |       | 1.000     |       |
| <b>Total Card Land Units</b>       |                |      |             | 3.00 AC    | <b>Parcel Total Land Area:</b> |           |            | 3.00     |       |           |       |

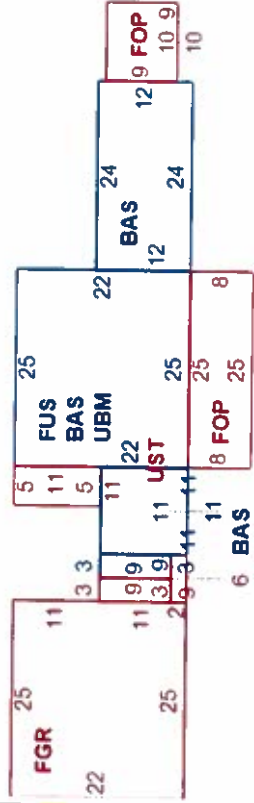
**VISIT / CHANGE HISTORY**

| Date       | Id | Type | Is | Cd | Purpose/Result            |
|------------|----|------|----|----|---------------------------|
| 06-29-2022 | HS | 01   | 8  | 00 | Measur+Listed             |
| 02-17-2009 | PR | VA   |    | 00 | Measur+Listed             |
| 01-15-2009 | VA |      |    | 11 | Callback Letter Mailed    |
| 10-20-2008 | PR |      |    | 09 | Measur Estmt              |
| 10-16-1996 | ST |      |    | 00 | Measur+Listed             |
| 09-10-1996 | MP |      |    | 01 | Measur+1 Visit - Info Car |
| 06-19-1981 |    |      |    | 41 |                           |

|                                  |  |         |  |
|----------------------------------|--|---------|--|
| Total Appraised Parcel Value     |  | 235,700 |  |
| <b>NOTES</b>                     |  |         |  |
| WHITE IF                         |  |         |  |
| UGR=POOR (DIRT FLOOR)            |  |         |  |
| VS HOUSE-98                      |  |         |  |
| HOUSE EST = NO TRESPASSING 10/08 |  |         |  |



| CONSTRUCTION DETAIL                                                           |                              | Element                    | Cd         | Description | Element   | Cd             | Description |
|-------------------------------------------------------------------------------|------------------------------|----------------------------|------------|-------------|-----------|----------------|-------------|
| Style:                                                                        | 03                           | Colonial                   |            |             |           |                |             |
| Model:                                                                        | 01                           | Residential                |            |             |           |                |             |
| Grade:                                                                        | 03                           | Average                    |            |             |           |                |             |
| Stories:                                                                      | 2                            | 2 Stories                  |            |             |           |                |             |
| Occupancy                                                                     | 1                            |                            |            |             |           |                |             |
| Exterior Wall 1                                                               | 25                           | Vinyl Siding               |            |             |           |                |             |
| Exterior Wall 2                                                               | 11                           | Clapboard                  |            |             |           |                |             |
| Roof Structure:                                                               | 03                           | Gable/Hip                  |            |             |           |                |             |
| Roof Cover                                                                    | 03                           | Asph/F Gls/Cmp             |            |             |           |                |             |
| Interior Wall 1                                                               | 06                           | Cust Wd Panel              |            |             |           |                |             |
| Interior Wall 2                                                               |                              |                            |            |             |           |                |             |
| Interior Fir 1                                                                | 06                           | Inlaid Sht Gds             |            |             |           |                |             |
| Interior Fir 2                                                                |                              |                            |            |             |           |                |             |
| Heat Fuel                                                                     | 02                           | Oil                        |            |             |           |                |             |
| Heat Type:                                                                    | 04                           | Forced Air-Duc             |            |             |           |                |             |
| AC Type:                                                                      | 01                           | None                       |            |             |           |                |             |
| Total Bedrooms                                                                | 04                           | 4 Bedrooms                 |            |             |           |                |             |
| Total Bathrms:                                                                | 1                            |                            |            |             |           |                |             |
| Total Half Baths                                                              | 0                            |                            |            |             |           |                |             |
| Total Xtra Fixtrs                                                             | 7                            |                            |            |             |           |                |             |
| Total Rooms:                                                                  | 02                           | Average                    |            |             |           |                |             |
| Bath Style:                                                                   | 02                           | Average                    |            |             |           |                |             |
| Kitchen Style:                                                                | 02                           | Average                    |            |             |           |                |             |
| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b> |                              |                            |            |             |           |                |             |
| Code                                                                          | Description                  | UB                         | Units      | Unit Price  | Yr Bilt   | Comd. Cd       | % Gd        |
| FPL1                                                                          | Fireplace 1 St               | B                          | 1          | 3300.00     | 1980      |                | 60          |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                                      |                              |                            |            |             |           |                |             |
| Code                                                                          | Description                  | Living Area                | Floor Area | Eft Area    | Unit Cost | Undeprec Value | Appr. Value |
| BAS                                                                           | First Floor                  | 986                        | 986        | 986         | 138.49    | 136,551        | 2,000       |
| FEP                                                                           | Porch, Enclosed, Finished    | 0                          | 27         | 27          | 97.46     | 2,631          |             |
| FGR                                                                           | Garage, Finished             | 0                          | 550        | 220         | 55.40     | 30,468         |             |
| FOP                                                                           | Porch, Open, Finished        | 0                          | 290        | 58          | 27.70     | 8,032          |             |
| FUS                                                                           | Upper Story, Finished        | 550                        | 550        | 550         | 138.49    | 76,170         |             |
| UBM                                                                           | Basement, Unfinished         | 0                          | 671        | 134         | 27.66     | 18,558         |             |
| UOP                                                                           | Porch, Open, Unfinished      | 0                          | 12         | 2           | 23.08     | 277            |             |
| UST                                                                           | Utility, Storage, Unfinished | 0                          | 55         | 25          | 62.95     | 3,462          |             |
|                                                                               |                              | 111 Gross Liv / Lease Area | 1,536      | 3,141       | 1,994     | 5,000.00       | 276,149     |



## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:47:14 PM

| Doc#                                                | Document Type | Town | Book/Page | File Date  | Consideration |
|-----------------------------------------------------|---------------|------|-----------|------------|---------------|
| 118153                                              | DEED          |      | 36858/59  | 07/22/2005 | 100.00        |
| <b>Property-Street Address and/or Description</b>   |               |      |           |            |               |
| 1263 WINCHENDON RD, GREEN ST, ROUTE 140             |               |      |           |            |               |
| <b>Grantors</b>                                     |               |      |           |            |               |
| PERREAULT REBECCA M                                 |               |      |           |            |               |
| <b>Grantees</b>                                     |               |      |           |            |               |
| PERREAULT GEORGE T                                  |               |      |           |            |               |
| <b>Refernces-Book/Pg Description Recorded Year</b>  |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |               |      |           |            |               |



2005 00118153

Bk: 36858 Pg: 59 Doc: DEED  
Page: 1 of 2 07/22/2005 10:02 AM

## DEED

1263 Winchendon Road, aka Green Street, Gardner, Massachusetts

I, **REBECCA M. PERREAULT**, now of Gardner, Worcester County, Massachusetts, for consideration paid and in full consideration of less than One Hundred (\$100.00) Dollars, hereby grant to **GEORGE T. PERREAULT**, now of 2 Victor Avenue, Worcester, Worcester, Worcester County, Massachusetts, **with quitclaim covenants**, a certain parcel of land with buildings thereon, situated at 1263 Winchendon Road, in Gardner, Worcester County, Massachusetts, on the northeasterly side of said Winchendon Road, as known as Green Street, Route 140, in said Gardner, Massachusetts, said parcel being shown on a plan entitled "Plan of Land Prepared for Rebecca M. Perreault, (Owner: Book 3142, Page 278) Gardner, MA, March 31, 2005, Szoc Surveyors, 32 Pleasant Street, Gardner, MA, (978-632-0233) 1 inch = 80 feet" and recorded in the Worcester County Registry of Deeds in Plan Book 824, Plan 96, further bounded and described as follows:

BEGINNING at the most southerly corner thereof, at an iron pin in the northeasterly line of Winchendon Road, a/k/a/ Green Street, Route 140, at the corner of land now or formerly owned by the City of Gardner;

THENCE N. 30° 07' 16" W. by said road line, 250.00 feet to an iron pin at the corner of other land now or formerly of Rebecca M. Perreault;

THENCE N. 57°14' 13" E., 525 feet to an iron pin;

THENCE S. 30° 07' 16"E., 250.00 feet to an iron pin at land now or formerly of the City of Gardner, the preceding two courses being by land now or formerly of Perreault;

THENCE S. 57° 14' 13" W., by land now or formerly of the City of Gardner, 525.00 feet to an iron pin in the northeasterly line of Winchendon Road and the point of beginning.

RETURN TO:           George T. Perreault  
                          2 Victor Avenue  
                          Worcester, Massachusetts 01603

2

TL

Containing 3.0099 acres or 131,110 square feet of land, more or less, according to said Plan.

BEING A PORTION OF THE SAME PREMISES conveyed to Herve J. Perreault and Rebecca M. Perreault, dated July 21, 1948 and recorded in the Worcester Registry of Deeds in Book 3142, Page 278.

WITNESS my hand and seal this 18 day of July, 2005.

*Rebecca M. Perreault*  
REBECCA M. PERREAULT

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

On this 18th day of July 2005, then personally appeared the above-named REBECCA M. PERREAULT and known to me and who produced her identification and proved to be the person whose name is signed on this document and acknowledged to me that she signed it voluntarily as her free act and deed, before me,

*M. Celeste Reynolds*  
Notary Public

My commission expires:

*Seal*

M. CELESTE REYNOLDS  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 25, 2007

ATTEST: WORC. Anthony J. Vigliotti, Register

**Parcel ID:**

M42-20-07

**Address:**

No Formal Address

**Owner:**

City of Gardner

**Other:**

Bike Trail

**CITY OF GARDNER** **TOPO** **UTILITIES** **STRT /ROAD** **LOCATION**  
 95 PLEASANT ST STE 125  
 GARDNER MA 01440  
 GIS ID M\_159113\_929702  
 All Parcel ID  
 Sub-Div  
 Photo  
 Ward  
 Prec.  
 Assoc Pld#

| EXM LAND | Description | Code | Appraised | Assessed |
|----------|-------------|------|-----------|----------|
|          |             | 9300 | 56,800    | 56,800   |

| Year  | Code | Assessed | Year  | Code | Assessed |
|-------|------|----------|-------|------|----------|
| 2023  | 9300 | 56,800   | 2022  | 9300 | 47,500   |
| Total |      | 56,800   | Total |      | 47,500   |

| Year  | Code | Assessed | Year  | Code | Assessed |
|-------|------|----------|-------|------|----------|
| 2023  | 9300 | 56,800   | 2021  | 9300 | 43,800   |
| Total |      | 56,800   | Total |      | 43,800   |

| Year                     | Code | Amount | Code | Description | Number | Amount |
|--------------------------|------|--------|------|-------------|--------|--------|
| <b>EXEMPTIONS</b>        |      |        |      |             |        |        |
| <b>OTHER ASSESSMENTS</b> |      |        |      |             |        |        |
| Total 0.000              |      |        |      |             |        |        |

| Nbhd | Nbhd Name | B | Tracing | Batch |
|------|-----------|---|---------|-------|
| 0001 |           |   |         |       |

| Year                           | Code | Assessed | Year                          | Code | Assessed |
|--------------------------------|------|----------|-------------------------------|------|----------|
| <b>APPRAISED VALUE SUMMARY</b> |      |          |                               |      |          |
| Appraised Bldg. Value (Card)   |      | 0        | Appraised Xt (B) Value (Bldg) |      | 0        |
| Appraised Ob (B) Value (Bldg)  |      | 0        | Appraised Land Value (Bldg)   |      | 56,800   |
| Special Land Value             |      | 0        | Total Appraised Parcel Value  |      | 56,800   |

| Permit Id                           | Issue Date | Type | Description | Amount | Insp Date | % Comp | Date Comp | Comments |
|-------------------------------------|------------|------|-------------|--------|-----------|--------|-----------|----------|
| <b>BUILDING PERMIT RECORD</b>       |            |      |             |        |           |        |           |          |
| Total Appraised Parcel Value 56,800 |            |      |             |        |           |        |           |          |

| Date                         | Id | Type | Is | Cd | Purpose/Result |
|------------------------------|----|------|----|----|----------------|
| <b>VISIT /CHANGE HISTORY</b> |    |      |    |    |                |
| 10-20-2008                   | PR |      |    | 99 |                |

| Use Code                       | Description       | Zone | Land Type | Land Units | Unit Price | Size Adj. | Site Index | Cond. | Nbhd. | Nbhd. Adj | Notes | Special Use | Adj Unit Pric | Land Value |
|--------------------------------|-------------------|------|-----------|------------|------------|-----------|------------|-------|-------|-----------|-------|-------------|---------------|------------|
| 9300                           | City of Gardner V | R2   |           | 43,560     | 1.74       | 1,000,000 | 5          | 0.50  | 1,000 | POT       |       |             | 0.87          | 38,000     |
| 9300                           | City of Gardner V | R2   |           | 11,000     | 4,000.00   | 0.93000   | 0          | 0.50  | 1,000 | TOPO      |       |             | 1,711.2       | 18,800     |
| Total Card Land Units 12.00 AC |                   |      |           |            |            |           |            |       |       |           |       |             |               |            |
| Parcel Total Land Area: 12.00  |                   |      |           |            |            |           |            |       |       |           |       |             |               |            |
| Total Land Value 56,800        |                   |      |           |            |            |           |            |       |       |           |       |             |               |            |

| <b>LAND LINE VALUATION SECTION</b> |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|                                    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| <b>VISION</b> |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|               |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| <b>APPRAISED VALUE SUMMARY</b> |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|--------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|                                |  |  |  |  |  |  |  |  |  |  |  |  |  |  |



**CONSTRUCTION DETAIL (CONTINUED)**

|                    |    |             |         |    |             |
|--------------------|----|-------------|---------|----|-------------|
| Style:             | 99 | Vacant Land | Element | Cd | Description |
| Model:             | 00 | Vacant      |         |    |             |
| Grade:             |    |             |         |    |             |
| Stories:           |    |             |         |    |             |
| Occupancy:         |    |             |         |    |             |
| Exterior Wall 1:   |    |             |         |    |             |
| Exterior Wall 2:   |    |             |         |    |             |
| Roof Structure:    |    |             |         |    |             |
| Roof Cover:        |    |             |         |    |             |
| Interior Wall 1:   |    |             |         |    |             |
| Interior Wall 2:   |    |             |         |    |             |
| Interior Fir 1:    |    |             |         |    |             |
| Interior Fir 2:    |    |             |         |    |             |
| Heat Fuel:         |    |             |         |    |             |
| Heat Type:         |    |             |         |    |             |
| AC Type:           |    |             |         |    |             |
| Total Bedrooms:    |    |             |         |    |             |
| Total Bathrooms:   |    |             |         |    |             |
| Total Half Baths:  |    |             |         |    |             |
| Total Xtra Fixtrs: |    |             |         |    |             |
| Total Rooms:       |    |             |         |    |             |
| Bath Style:        |    |             |         |    |             |
| Kitchen Style:     |    |             |         |    |             |

|                              |                   |
|------------------------------|-------------------|
| <b>MIXED USE</b>             |                   |
| Code                         | Description       |
| 9300                         | City of Gardner V |
|                              | Percentage        |
|                              | 100               |
|                              | 0                 |
|                              | 0                 |
| <b>COST/MARKET VALUATION</b> |                   |
| RCN                          | 0                 |

|                          |   |
|--------------------------|---|
| Year Built               | 0 |
| Effective Year Built     | 0 |
| Depreciation Code        | 0 |
| Remodel Rating           | 0 |
| Year Remodeled           | 0 |
| Depreciation %           | 0 |
| Functional Obsol         | 0 |
| Economic Obsol           | 0 |
| Trend Factor             | 1 |
| Condition                |   |
| Condition %              |   |
| Percent Good             |   |
| RCNLD                    | 0 |
| Dep % Ovr                |   |
| Dep Ovr Comment          |   |
| Misc Imp Ovr             |   |
| Misc Imp Ovr Comment     |   |
| Cost to Cure Ovr         |   |
| Cost to Cure Ovr Comment |   |

**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

| Code                                     | Description | LB          | Units      | Unit Price | Yr Bill   | Cond. Cd       | % Gd | Grade | Grade Adj. | Appt. Value |
|------------------------------------------|-------------|-------------|------------|------------|-----------|----------------|------|-------|------------|-------------|
| <b>BUILDING SUB-AREA SUMMARY SECTION</b> |             |             |            |            |           |                |      |       |            |             |
| Code                                     | Description | Living Area | Floor Area | Etr Area   | Unit Cost | Undeprec Value |      |       |            |             |

|                                  |  |   |   |   |   |   |  |  |  |   |
|----------------------------------|--|---|---|---|---|---|--|--|--|---|
| <b>Ttl Gross Liv/ Lease Area</b> |  |   |   |   |   |   |  |  |  |   |
|                                  |  | 0 | 0 | 0 | 0 | 0 |  |  |  | 0 |

No Sketch

## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:53:28 PM

| Doc#                                                | Document Type | Town | Book/Page | File Date  | Consideration |
|-----------------------------------------------------|---------------|------|-----------|------------|---------------|
| 79188                                               | DEED          |      | 22762/386 | 07/06/2000 | 20400.00      |
| <b>Property-Street Address and/or Description</b>   |               |      |           |            |               |
| REL WINCHENDON RD PL BK 756-125                     |               |      |           |            |               |
| <b>Grantors</b>                                     |               |      |           |            |               |
| BOSTON & MAINE CORP                                 |               |      |           |            |               |
| <b>Grantees</b>                                     |               |      |           |            |               |
| GARDNER CITY                                        |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b> |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |               |      |           |            |               |

*Jycr*

**RELEASE DEED**

The **BOSTON AND MAINE CORPORATION**, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Iron Horse Park, North Billerica, Middlesex County, Massachusetts (the "Grantor") in consideration of Twenty Thousand Four Hundred and no/100 (\$20,400.00) Dollars paid to it by **CITY OF GARDNER**, having a mailing address of City Hall, Gardner, Massachusetts, (the "Grantee") hereby grants to the Grantee all the Grantor's right, title and interest, without any warranties or covenants of title whatsoever, in a certain parcel of land, and the buildings, bridges, structures, crossings, fixtures and improvements thereon, if any, situated in Gardner, County of Worcester, Commonwealth of Massachusetts, (the "Premises") described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND  
MADE A PART HEREOF BY THIS REFERENCE.**

00 JUL - 6 AM 9:33

Winchendon Road, Gardner, MA

This conveyance is subject to the following reservations, conditions, covenants and agreements:

1. This conveyance is made without granting any right of way, either by necessity or otherwise, over any remaining land or location of the Grantor.
2. The Grantor hereby reserves a permanent, exclusive right of way and easement<sup>1</sup> ~~in, on, over, under, across and through~~ the Premises for the purpose of accessing, constructing, installing, operating, maintaining, modifying, repairing, replacing, relocating and removing a telecommunications system or other system for transmission of intelligence or information by any means, whether now existing or hereafter devised, including such poles, pipes, wires, fibers, fiberoptic cables, repeater stations, attachments, appurtenances, structures or other equipment and property of any description necessary or useful for the same (the "Telecommunications Easement"). The Grantor further reserves the right to freely lease, license, mortgage, assign, pledge and otherwise alienate the Telecommunications Easement. The Grantee hereby covenants with the Grantor to recognize the Telecommunications Easement and, without the payment of any further consideration, to execute, acknowledge and deliver such instruments suitable for recording with the registry of deeds as the Grantor may reasonably require to acknowledge title to the Telecommunications Easement in the Grantor. The Grantor covenants to reasonably repair and restore the surface of the easement area after any work.

<sup>1</sup> under

**Law Offices of  
George C. Corey  
144 Central Street  
Gardner, MA 01440**

3. The Grantor excepts from this conveyance any and all railroad tracks, railroad track materials (including, but not limited to, ties, connections, switches and ballast) and/or related equipment of any description located in whole or in part within the Premises (the "Trackage") and this conveyance is subject to the right of the Grantor to enter the Premises from time to time and at any and all times within the ninety (90) day period commencing with and subsequent to the date of delivery of this deed, with such men, equipment and materials as, in the reasonable opinion of the Principal Engineering Officer of the Grantor, are necessary for the removal of the Trackage. Days during the months of December, January, February and March shall not be included in the aforesaid ninety (90) day period. If the Trackage is not removed from the Premises by the expiration of said ninety (90) day period, the Trackage shall be deemed abandoned by the Grantor and shall then become the property of the Grantee.
4. ~~The Grantor excepts from this conveyance any and all advertising signs and/or billboards located upon the Premises which are not owned by the Grantor. Furthermore, this conveyance is subject to the right of the owners of said signs and/or billboards to go upon the Premises and remove them within ninety (90) days from the date of delivery of this deed.~~
5. By the acceptance of this deed and as part consideration therefor, the Grantee hereby assumes any and all agreements, covenants, obligations and liabilities of the Grantor in respect to any underground facilities, drainage culverts, walls, crossings and/or other structures of any nature and description located in whole or in part within the Premises.
6. By the acceptance of this deed and as part consideration therefor, the Grantee agrees to irrevocably waive, give up and renounce any and all claims or causes of action against the Grantor in respect of claims, suits and/or enforcement actions (including any administrative or judicial proceedings and any remedial, removal or response actions) ever asserted, threatened, instituted or requested by any person and/or governmental agency on account of: (a) any release of oil or hazardous materials or substances of any description on, upon or into the Premises in contravention of any ordinance, law or statute (including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601, et seq., as amended); and (b) any and all damage to real or personal property, natural resources and/or harm or injury to persons alleged to have resulted from such release of oil or hazardous materials or substances. This provision does not apply to any future activity on the premises or any part thereof conducted by the Grantor, including but not limited to its exercise of its rights as set forth in paragraph 2 hereof.

7. ~~By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to build and forever maintain fences (together with any necessary gates), suitable to the Principal Engineering Officer of the Grantor, along the boundaries of the Premises which are common to remaining land or location of the Grantor (the "Fences"), if Fences are ever required in the sole and reasonable opinion of said Principal Engineering Officer.~~
8. ~~This conveyance is subject to the following restriction for the benefit of other land or location of the Grantor, to wit: that from the date of delivery of this deed, the Grantor shall not be liable to the Grantee or any lessee or user of the Premises (or any part thereof) for any damage to any buildings or property upon them caused by fire, whether communicated directly or indirectly by or from locomotive engines of any description upon the railroad operated by the Grantor, or otherwise.~~
9. ~~By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to make no use of the Premises which, in the sole and reasonable opinion of the Principal Engineering Officer of the Grantor, adversely affects, increases or decreases drainage to, from, upon or in any remaining land or location of the Grantor. The Grantee agrees to indemnify and save the Grantor harmless from and against any and all loss, cost, damage or expense including, but not limited to, the cost of defending all claims and/or suits for property damage, personal injury or death arising out of or in any way attributable to any breach of the foregoing covenant.~~
10. ~~The Grantor excepts from this conveyance any and all overhead, surface or underground signal and communication line facilities of the Grantor located within the limits of the Premises and this conveyance is subject to the Grantor's use of any such facilities in their present locations and entry upon the Premises from time to time to maintain, repair, replace, renew, relay or remove such facilities.~~
11. Whenever used in this deed, the term "Grantor" shall not only refer to the **BOSTON AND MAINE CORPORATION**, but also its successors, assigns and affiliates and the term "Grantee" shall not only refer to the above-named Grantee, but also the Grantee's successors, assigns and grantees, as the case maybe.
12. The several exceptions, reservations, conditions, covenants and agreements contained in this deed shall be deemed to run with the land and be binding upon the Grantee forever. In addition to the acceptance and recording of this deed, the Grantee hereby signifies assent to the said several exceptions, reservations, conditions, covenants and agreements, by joining in its execution.

IN WITNESS WHEREOF, the said BOSTON AND MAINE CORPORATION has caused this release deed to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its Chief Executive Officer, thereunto duly authorized this 13<sup>th</sup> day of June, 2000.

GRANTOR:  
BOSTON AND MAINE CORPORATION

Robert Sauvail  
Witness

By: David A. Fink  
David A. Fink, Chief Executive Officer

GRANTEE:  
CITY OF GARDNER

Robert Sauvail  
Witness

By: David A. Fink

*Seal*



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

June 13, 2000

Then personally appeared the above-named David A. Fink, its Chief Executive Officer of the BOSTON AND MAINE CORPORATION and acknowledged the foregoing release deed to be his free act and deed and the free act and deed of said BOSTON AND MAINE CORPORATION, before me.

[Signature]  
Notary Public  
My Commission Expires: 12/03/04 *See 1*

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

6/22, 2000

Then personally appeared Daniel J. Kelley the MAYOR of the CITY OF GARDNER and acknowledged the foregoing release deed to be his/her free act and deed and the free act and deed of said CITY OF GARDNER, before me.

[Signature: Theresa W. Hillman]  
Notary Public:  
My Commission Expires: 8/25/06 *See 1*

## EXHIBIT A

LAND CONVEYED TO THE CITY OF GARDNER MASSACHUSETTS  
BY THE BOSTON AND MAINE RAILROAD

All of the Land of the Boston and Maine Corporation lying within the existing Railroad Right-of Way between Railroad Station 1550+50± at State Route 140 in Gardner, MA and Railroad Station 1606+00 ± at the Gardner/Winchendon City/Town Line. Said land is shown on plans entitled "Right of Way Plan in Gardner, Massachusetts of the Boston and Maine Corporation Property being conveyed to the City of Gardner, Massachusetts, Scale 1"-100' Weston and Sampson Engineers, Inc. 88 Waverly Street Framingham, Massachusetts 01701. "Said plans dated June 5, 2000, being the same property as shown on the "Right of Way and Track Map Fitchburg R.R. Co., operated by the Boston and Maine R.R. Scale 1"-100' dated June 30, 1914 Office of Valuation Engineer Boston, Massachusetts."

Said Plans are numbered V.39-2-30, and V.39-2-31. *Plan Book 756, Plan 125*

**BOSTON AND MAINE CORPORATION**

**Secretary's Certificate**

I, John R. Nadolny, being the duly elected and presently serving Secretary of Boston and Maine Corporation (the "Corporation") do hereby certify that the following vote was adopted by the Directors of the Corporation at a meeting of the Board of Directors held on July 23, 1998:

**VOTED:** That David A. Fink, Chief Executive of the Corporation, in connection with sales of parcels of real estate of the Corporation with purchase prices of less than One Hundred Thousand and no/100 (\$100,000.00) Dollars, is hereby authorized, empowered and directed, on behalf of and in the name of the Corporation, to execute, seal and deliver such agreements of sale, deeds, certificates or instruments, and to take such other action as he may deem necessary, appropriate or convenient to sell such parcels, consummate such transactions, and effect the purposes of this vote.

I further certify that such vote has not been altered, amended, or rescinded and remains in full force and effect as of the date hereof.

WITNESS my hand and the seal of the Corporation as of this 13<sup>th</sup> day of June, 2000.

*[Handwritten signature]*

*[Handwritten signature]*  
John R. Nadolny, Secretary

*Sec'*

**ATTEST: WORC. Anthony J. Vigliotti, Register**

**Parcel ID:**

R42-21-01

**Address:**

827 Green Street

**Owner:**

GAAMHA, Inc.

**Other:**

Current use protected under the Dover  
Amendment, MGL c.40A, §3 – Exempt from  
Zoning



Property Location  
Vision ID 4622

Account #  
827 GREEN ST

Map ID R42/21/1/1  
Bldg # 1

Bldg Name  
Sec # 1 of 1

Card # 1 of 1

State Use 9591  
Print Date 1/5/2023 7:53:49 PM

| CONSTRUCTION DETAIL                                                           |                           | CONSTRUCTION DETAIL (CONTINUED) |            |            |             |               |    |      |       |     |             |
|-------------------------------------------------------------------------------|---------------------------|---------------------------------|------------|------------|-------------|---------------|----|------|-------|-----|-------------|
| Element                                                                       | Cd                        | Description                     | Element    | Cd         | Description |               |    |      |       |     |             |
| Style:                                                                        | 03                        | Colonial                        |            |            |             |               |    |      |       |     |             |
| Model:                                                                        | 01                        | Residential                     |            |            |             |               |    |      |       |     |             |
| Grade:                                                                        | 05                        | Average +20                     |            |            |             |               |    |      |       |     |             |
| Stories:                                                                      | 2                         | 2 Stories                       |            |            |             |               |    |      |       |     |             |
| Occupancy:                                                                    | 2                         |                                 |            |            |             |               |    |      |       |     |             |
| Exterior Wall 1                                                               | 25                        | Vinyl Siding                    |            |            |             |               |    |      |       |     |             |
| Exterior Wall 2                                                               | 20                        | Brick/Masonry                   |            |            |             |               |    |      |       |     |             |
| Roof Structure:                                                               | 03                        | Gable/Hip                       |            |            |             |               |    |      |       |     |             |
| Roof Cover:                                                                   | 03                        | Asph/F Gls/Cmp                  |            |            |             |               |    |      |       |     |             |
| Interior Wall 1                                                               | 05                        | Drywall/Sheet                   |            |            |             |               |    |      |       |     |             |
| Interior Wall 2                                                               |                           |                                 |            |            |             |               |    |      |       |     |             |
| Interior Fir 1                                                                | 12                        | Hardwood                        |            |            |             |               |    |      |       |     |             |
| Interior Fir 2                                                                | 14                        | Carpet                          |            |            |             |               |    |      |       |     |             |
| Heat Fuel:                                                                    | 02                        | Oil                             |            |            |             |               |    |      |       |     |             |
| Heat Type:                                                                    | 05                        | Hot Water                       |            |            |             |               |    |      |       |     |             |
| AC Type:                                                                      | 01                        | None                            |            |            |             |               |    |      |       |     |             |
| Total Bedrooms:                                                               | 05                        | 5 Bedrooms                      |            |            |             |               |    |      |       |     |             |
| Total Baths:                                                                  | 3                         |                                 |            |            |             |               |    |      |       |     |             |
| Total Half Baths:                                                             |                           |                                 |            |            |             |               |    |      |       |     |             |
| Total Xtra Fixtrs:                                                            |                           |                                 |            |            |             |               |    |      |       |     |             |
| Total Rooms:                                                                  | 10                        | 10 Rooms                        |            |            |             |               |    |      |       |     |             |
| Bath Style:                                                                   | 02                        | Average                         |            |            |             |               |    |      |       |     |             |
| Kitchen Style:                                                                | 02                        | Average                         |            |            |             |               |    |      |       |     |             |
| <b>COST / MARKET VALUATION</b>                                                |                           |                                 |            |            |             |               |    |      |       |     |             |
| RCN                                                                           |                           | 559,197                         |            |            |             |               |    |      |       |     |             |
| Year Built                                                                    |                           | 1978                            |            |            |             |               |    |      |       |     |             |
| Effective Year Built                                                          |                           | 1994                            |            |            |             |               |    |      |       |     |             |
| Depreciation Code                                                             |                           | A                               |            |            |             |               |    |      |       |     |             |
| Remodel Rating                                                                |                           | 28                              |            |            |             |               |    |      |       |     |             |
| Year Remodeled                                                                |                           | 0                               |            |            |             |               |    |      |       |     |             |
| Depreciation %                                                                |                           | 46                              |            |            |             |               |    |      |       |     |             |
| Functional Obsol                                                              |                           | 0                               |            |            |             |               |    |      |       |     |             |
| Economic Obsol                                                                |                           | 1                               |            |            |             |               |    |      |       |     |             |
| Trend Factor                                                                  |                           | 72                              |            |            |             |               |    |      |       |     |             |
| Condition %                                                                   |                           | 402,600                         |            |            |             |               |    |      |       |     |             |
| Percent Good                                                                  |                           |                                 |            |            |             |               |    |      |       |     |             |
| RCNLD                                                                         |                           |                                 |            |            |             |               |    |      |       |     |             |
| Dep % Ovr                                                                     |                           |                                 |            |            |             |               |    |      |       |     |             |
| Dep Ovr Comment                                                               |                           |                                 |            |            |             |               |    |      |       |     |             |
| Misc Imp Ovr                                                                  |                           |                                 |            |            |             |               |    |      |       |     |             |
| Misc Imp Ovr Comment                                                          |                           |                                 |            |            |             |               |    |      |       |     |             |
| Cost to Cure Ovr                                                              |                           |                                 |            |            |             |               |    |      |       |     |             |
| Cost to Cure Ovr Comment                                                      |                           |                                 |            |            |             |               |    |      |       |     |             |
| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b> |                           |                                 |            |            |             |               |    |      |       |     |             |
| Code                                                                          | Description               | L/B                             | Units      | Unit Price | Yr Blt      | Cond.         | Cd | % Gd | Grade | Ad. | Appr. Value |
| STB1                                                                          | Stable - A                | L                               | 3,500      | 17.00      | 1978        |               |    | 50   |       |     | 29,800      |
| BRN3                                                                          | Barn 1 St w/Lf            | L                               | 2,736      | 25.00      | 1978        |               |    | 75   |       |     | 51,300      |
| SPR1                                                                          | Sprinklers Wet            | B                               | 2,914      | 1.75       | 2022        |               |    | 75   |       |     | 3,800       |
| SGN2                                                                          | Sign 2 Sd                 | L                               | 6          | 50.00      | 2021        |               |    | 100  |       |     | 300         |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                                      |                           |                                 |            |            |             |               |    |      |       |     |             |
| Code                                                                          | Description               | Living Area                     | Floor Area | Eff Area   | Unit Cost   | Undeprc Value |    |      |       |     |             |
| BAS                                                                           | First Floor               | 1,964                           | 1,964      | 1,964      | 145.31      | 285,385       |    |      |       |     |             |
| FEP                                                                           | Porch, Enclosed, Finished | 0                               | 168        | 118        | 102.06      | 17,146        |    |      |       |     |             |
| FOP                                                                           | Porch, Open, Finished     | 0                               | 230        | 46         | 29.06       | 6,684         |    |      |       |     |             |
| FUS                                                                           | Upper Story, Finished     | 1,288                           | 1,288      | 1,288      | 145.31      | 187,157       |    |      |       |     |             |
| UBM                                                                           | Basement, Unfinished      | 0                               | 1,626      | 325        | 29.04       | 47,225        |    |      |       |     |             |
| II Gross Liv / Lease Area                                                     |                           | 3,252                           | 5,276      | 3,741      | 15,600.00   | 543,597       |    |      |       |     |             |

14 FEP 12  
12 14

FUS 46  
BAS 28  
UBM 26

13 BAS UBM 26  
13 BAS 26  
26 26 26 26

5 FOP 46  
46 5 6 13 13





## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:34:35 PM

| Doc#                                                                                                   | Document Type | Town | Book/Page | File Date  | Consideration |
|--------------------------------------------------------------------------------------------------------|---------------|------|-----------|------------|---------------|
| 146123                                                                                                 | DEED          |      | 66317/109 | 10/18/2021 | 100.00        |
| <b>Property-Street Address and/or Description</b>                                                      |               |      |           |            |               |
| WINCHENDON RD                                                                                          |               |      |           |            |               |
| <b>Grantors</b>                                                                                        |               |      |           |            |               |
| LEBLANC THOMAS R, ROSENBLATT DEBORAH M, MCAVOY JOANN M, LEBLANC STEVEN J, MCAVOY ROBERT, LEBLANC LINDA |               |      |           |            |               |
| <b>Grantees</b>                                                                                        |               |      |           |            |               |
| GAAMHA INC                                                                                             |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b>                                                    |               |      |           |            |               |
| 66315/188 DEED 2021                                                                                    |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b>                                                    |               |      |           |            |               |

# Worcester South District Registry of Deeds Electronically Recorded Document

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## Recording Information

|                                        |                    |
|----------------------------------------|--------------------|
| Document Number                        | : 146123           |
| Document Type                          | : DEED             |
| Recorded Date                          | : October 18, 2021 |
| Recorded Time                          | : 02:07:25 PM      |
| Recorded Book and Page                 | : 66317 / 109      |
| Number of Pages(including cover sheet) | : 8                |
| Receipt Number                         | : 1388460          |
| Recording Fee (including excise)       | : \$155.00         |

\*\*\*\*\*  
 MASSACHUSETTS EXCISE TAX  
 Worcester District ROD #20 001  
 Date: 10/18/2021 02:07 PM  
 Ctrl# Doc# 00146123  
 Fee: \$.00 Cons: \$100.00  
 \*\*\*\*\*

Worcester South District Registry of Deeds  
 Kathryn A. Toomey, Register  
 90 Front St  
 Worcester, MA 01608  
 (508) 798-7717

## QUITCLAIM DEED

We Thomas R. LeBlanc, being unmarried, of 339 Salisbury Street, Worcester, MA, 01609, Deborah M. Rosenblatt, being unmarried, 125 Cocassett Street, Unit A, Foxboro, MA, 02035, Joann M. McAvoy, being a married person, of 125 Cocassett Street, Unit B, Foxboro, MA, 02035, and Steven J. LeBlanc, being a married person, of 42 Renee Drive, Felton, DE 19943, Grantors

for consideration paid of LESS THAN ONE HUNDRED and 00/100 (\$100.00) DOLLARS, grant to

GAAMHA, Inc., a Massachusetts not for profit corporation, in good standing, with a mailing address of 208 Coleman Street, Gardner, MA, 01440, Grantee

with quitclaim covenants

A certain tract of land situated on the easterly side of the Winchendon Road in said Gardner, Worcester County, Massachusetts, bounded and described as follows:

COMMENCING at an iron pipe 100 feet northwesterly from a stone bound at land of the City of Gardner;

THENCE northwesterly by the easterly line of said highway, 100 feet to an iron pipe;

THENCE at an included angle of 90° northeasterly by other land now or formerly of GAAMHA, Inc., 100 feet to an iron pipe;

THENCE at an included angle of 90° southeasterly 100 feet to an iron pipe;

THENCE at an included angle of 90° southwesterly 100 feet to the place of beginning, the last two courses being by land now or formerly of Francis R. Cosentino.

Excepting from the foregoing premises, however, so much thereof as may have been taken for highway purposes.

Easterly Side of Winchendon Road, Gardner, MA 01440

Grantor(s) hereby releases any and all homestead rights to the premises and certify under the pains and penalties of perjury that there are no other persons entitled to protection of the Homestead Act. The Grantor(s), further state, pursuant to M.G.L. c. 188, § 13, under oath and subject to the pains and penalties of perjury, do hereby depose, state and certify that: (i) that no spouse, non-owner spouse, former spouse, or any other person resides at the home, is entitled to claim the benefit of an existing estate of homestead; and (ii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

The preparer of this Deed has not conducted a title search.

Being the same premises conveyed to us by Deed of Deborah M. Rosenblatt, Trustee under the Last Will and Testament of Noella M. LeBlanc, Docket No. WO132966EA, dated August, 13, 2021, recorded in the Worcester South District Registry of Deeds in Book 66315, Page 188.

**THE REMAINDER OF THIS PAGE IS BLANK**

**SIGNATURES TO FOLLOW**

Executed as a sealed instrument this 28<sup>th</sup> day of August, 2021.

*Thomas R. LeBlanc*

Thomas R. LeBlanc

Deborah M. Rosenblatt

Joann M. McAvoy

Steven J. LeBlanc

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 28<sup>th</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was MA Drivers License (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

*David Breton*

Notary Public:  
My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this \_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.

Executed as a sealed instrument this 23 day of August, 2021.

\_\_\_\_\_  
Thomas R. LeBlanc

Deborah M. Rosenblatt  
Deborah M. Rosenblatt

Joann M. McAvoy  
Joann M. McAvoy

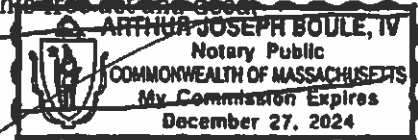
\_\_\_\_\_  
Steven J. LeBlanc

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 23 day of August, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed before me.

[Signature]



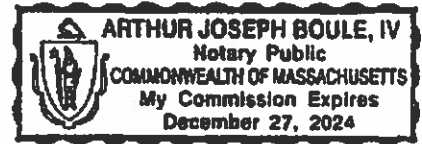
Notary Public.  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 23 day of August, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was mail (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.





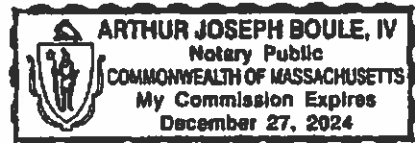
Arthur J. Boule IV

Notary Public: Arthur J. Boule IV  
My Commission Expires: 12/27/24

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 23 day of August, 2021, before me, the undersigned notary public, personally appeared Joann M. McAvoy, proved to me through satisfactory evidence of identification, which was ma (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.



Arthur J. Boule IV

Notary Public: Arthur J. Boule IV  
My Commission Expires: 12/27/24

I, Robert McAvoy, spouse of Joann M. McAvoy, hereby release all my right, title and interest in Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.

Robert McAvoy

Robert McAvoy

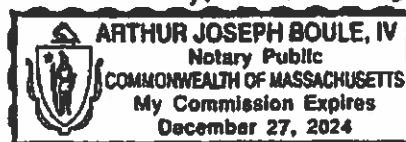
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On 23 day of August, 2021, before me, the undersigned notary public, personally appeared Robert McAvoy, the above-named and proved to me through satisfactory evidence of identification being ma, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.

Arthur J. Boule IV

Notary Public: Arthur J. Boule IV  
COMM EXPIRES: 12-27-2024



Executed as a sealed instrument this 31st day of August, 2021.

\_\_\_\_\_  
Thomas R. LeBlanc

\_\_\_\_\_  
Deborah M. Rosenblatt

\_\_\_\_\_  
Joann M. McAvoy

  
\_\_\_\_\_  
Steven J. LeBlanc

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.

STATE OF DELAWARE

Kent, ss

On this 31<sup>st</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Steven J. LeBlanc, proved to me through satisfactory evidence of identification, which was Delaware Driver's License (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

Robin M. Deputy

Notary Public:  
My Commission Expires:



I, Linda LeBlanc, spouse of Steven J. LeBlanc, hereby release all my right, title and interest in Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.

Linda LeBlanc  
Linda LeBlanc

STATE OF DELAWARE

Kent, ss

On 31<sup>st</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Linda LeBlanc, the above-named and proved to me through satisfactory evidence of identification being Delaware Driver's License, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.

Robin M. Deputy

Notary Public:

My Commission Expires:



ATTEST: WORC Kathryn A. Toomey, Register

**Parcel ID:**

M42-14-6

**Address:**

No Formal Address

**Owner:**

City of Gardner

**Other:**

Wooded Vacant Lot

Property Location: GREEN ST, Vision ID: 2004, Map ID: M4214/6/1, Bldg # 1, Account #: 4, Bldg Name: Sec 1 of 1, Card # 1 of 1, State Use: 9300, Print Date: 1/5/2023 2:13:55 PM

|                        |                  |                    |                 |                          |           |                  |              |                 |          |                           |                                                   |
|------------------------|------------------|--------------------|-----------------|--------------------------|-----------|------------------|--------------|-----------------|----------|---------------------------|---------------------------------------------------|
| <b>CURRENT OWNER</b>   | CITY OF GARDNER  | <b>TOPO</b>        | 4   Rolling     | <b>UTILITIES</b>         | 1   Paved | <b>STRT/ROAD</b> | 2   Suburban | <b>LOCATION</b> | EXM LAND | <b>CURRENT ASSESSMENT</b> | Code: 9300, Appraised: 134,100, Assessed: 134,100 |
| 95 PLEASANT ST STE 125 | GARDNER MA 01440 | <b>AIR Pctd ID</b> | Sub-Div         | <b>SUPPLEMENTAL DATA</b> |           |                  |              |                 |          |                           | 316 GARDNER, MA                                   |
|                        |                  | <b>GIS ID</b>      | M_159126_929207 | <b>Assoc Pctd#</b>       |           |                  |              |                 |          |                           | <b>VISION</b>                                     |

|                            |             |                    |              |                  |                 |              |             |                   |             |             |                 |                                       |         |
|----------------------------|-------------|--------------------|--------------|------------------|-----------------|--------------|-------------|-------------------|-------------|-------------|-----------------|---------------------------------------|---------|
| <b>RECORD OF OWNERSHIP</b> |             | <b>BK-VOL/PAGE</b> | 1   0        | <b>SALE DATE</b> | 01-01-1900      | <b>Q/U</b>   | Q   V       | <b>SALE PRICE</b> | 0   00      | <b>VC</b>   |                 | <b>Total</b>                          | 134,100 |
| CITY OF GARDNER            |             |                    |              |                  |                 |              |             |                   |             |             |                 | <b>PREVIOUS ASSESSMENTS (HISTORY)</b> | 134,100 |
| <b>Year</b>                | <b>Code</b> | <b>Assessed</b>    | <b>Year</b>  | <b>Code</b>      | <b>Assessed</b> | <b>Year</b>  | <b>Code</b> | <b>Assessed</b>   | <b>Year</b> | <b>Code</b> | <b>Assessed</b> | <b>Total</b>                          | 108,100 |
| 2023                       | 9300        | 134,100            | 2022         | 9300             | 115,700         | 2021         | 9300        | 108,100           |             |             |                 |                                       |         |
| <b>Total</b>               |             | 134,100            | <b>Total</b> |                  | 115,700         | <b>Total</b> |             | 108,100           |             |             |                 |                                       |         |

|                          |  |               |                    |             |               |               |
|--------------------------|--|---------------|--------------------|-------------|---------------|---------------|
| <b>EXEMPTIONS</b>        |  | <b>Amount</b> | <b>Description</b> | <b>Code</b> | <b>Number</b> | <b>Amount</b> |
|                          |  | 0.00          |                    |             |               |               |
| <b>OTHER ASSESSMENTS</b> |  |               |                    |             |               |               |
|                          |  |               |                    |             |               |               |

|                                      |  |                  |   |                |       |
|--------------------------------------|--|------------------|---|----------------|-------|
| <b>ASSESSING NEIGHBORHOOD</b>        |  | <b>Nbhd Name</b> | B | <b>Tracing</b> | Batch |
|                                      |  | 0001             |   |                |       |
| <b>NOTES</b>                         |  |                  |   |                |       |
| Appraised Bldg Value (Card) 0        |  |                  |   |                |       |
| Appraised X1 (B) Value (Bldg) 0      |  |                  |   |                |       |
| Appraised Ob (B) Value (Bldg) 0      |  |                  |   |                |       |
| Appraised Land Value (Bldg) 134,100  |  |                  |   |                |       |
| Special Land Value 0                 |  |                  |   |                |       |
| Total Appraised Parcel Value 134,100 |  |                  |   |                |       |

|                                      |  |  |  |  |  |
|--------------------------------------|--|--|--|--|--|
| <b>APPRaised VALUE SUMMARY</b>       |  |  |  |  |  |
| Appraised Bldg Value (Card) 0        |  |  |  |  |  |
| Appraised X1 (B) Value (Bldg) 0      |  |  |  |  |  |
| Appraised Ob (B) Value (Bldg) 0      |  |  |  |  |  |
| Appraised Land Value (Bldg) 134,100  |  |  |  |  |  |
| Special Land Value 0                 |  |  |  |  |  |
| Total Appraised Parcel Value 134,100 |  |  |  |  |  |

|                               |                   |             |                    |               |                  |               |                  |                 |
|-------------------------------|-------------------|-------------|--------------------|---------------|------------------|---------------|------------------|-----------------|
| <b>BUILDING PERMIT RECORD</b> |                   |             |                    |               |                  |               |                  |                 |
| <b>Permit Id</b>              | <b>Issue Date</b> | <b>Type</b> | <b>Description</b> | <b>Amount</b> | <b>Insp Date</b> | <b>% Comp</b> | <b>Date Comp</b> | <b>Comments</b> |
|                               |                   |             |                    |               |                  |               |                  |                 |

|                                    |                 |                    |             |                  |                   |                   |                  |                   |              |              |                   |                                |                    |                         |                   |
|------------------------------------|-----------------|--------------------|-------------|------------------|-------------------|-------------------|------------------|-------------------|--------------|--------------|-------------------|--------------------------------|--------------------|-------------------------|-------------------|
| <b>LAND LINE VALUATION SECTION</b> |                 |                    |             |                  |                   |                   |                  |                   |              |              |                   |                                |                    |                         |                   |
| <b>B</b>                           | <b>Use Code</b> | <b>Description</b> | <b>Zone</b> | <b>Land Type</b> | <b>Land Units</b> | <b>Unit Price</b> | <b>Size Adj.</b> | <b>Site Index</b> | <b>Cond.</b> | <b>Nbhd.</b> | <b>Nbhd. Adj.</b> | <b>Notes</b>                   | <b>Special Use</b> | <b>Adj Unit Pric</b>    | <b>Land Value</b> |
| 1                                  | 9300            | City of Gardner V  | R2          |                  | 43,560 SF         | 1.74              | 1.00000          | 5                 | 1.00         |              | 1.000             |                                |                    | 0                       | 75,900            |
| 1                                  | 9300            | City of Gardner V  | R2          |                  | 0 FF              | 0.00              | 1.00000          | 0                 | 1.00         |              | 1.000             |                                |                    | 0                       | 0                 |
| 1                                  | 9300            | City of Gardner V  | R2          |                  | 16,000 AC         | 4,000.00          | 1.00000          | 0                 | 1.00         |              | 1.000             |                                |                    | 0                       | 58,200            |
| <b>Total Card Land Units</b>       |                 |                    |             |                  |                   |                   |                  |                   |              |              | 17.00 AC          | <b>Parcel Total Land Area:</b> | 17.00              | <b>Total Land Value</b> | 134,100           |

This signature acknowledges a visit by a Data Collector or Assessor

Property Location GREEN ST  
Vision ID 2004

Account #

Map ID M421 14/ 6/ /

Bldg # 1

Bldg Name  
Sec # 1 of 1

Card # 1 of 1

State Use 9300

Print Date 1/5/2023 2:13:55 PM



| CONSTRUCTION DETAIL                                                           |             | CONSTRUCTION DETAIL (CONTINUED) |             |            |           |               |    |      |       |           |             |
|-------------------------------------------------------------------------------|-------------|---------------------------------|-------------|------------|-----------|---------------|----|------|-------|-----------|-------------|
| Element                                                                       | Cd          | Element                         | Description |            |           |               |    |      |       |           |             |
| Style: 99<br>Model: 00                                                        | Vacant Land |                                 |             |            |           |               |    |      |       |           |             |
| Grade: 00                                                                     | Vacant      |                                 |             |            |           |               |    |      |       |           |             |
| Stories:                                                                      |             |                                 |             |            |           |               |    |      |       |           |             |
| Occupancy                                                                     |             |                                 |             |            |           |               |    |      |       |           |             |
| Exterior Wall 1                                                               |             |                                 |             |            |           |               |    |      |       |           |             |
| Exterior Wall 2                                                               |             |                                 |             |            |           |               |    |      |       |           |             |
| Roof Structure:                                                               |             |                                 |             |            |           |               |    |      |       |           |             |
| Roof Cover                                                                    |             |                                 |             |            |           |               |    |      |       |           |             |
| Interior Wall 1                                                               |             |                                 |             |            |           |               |    |      |       |           |             |
| Interior Wall 2                                                               |             |                                 |             |            |           |               |    |      |       |           |             |
| Interior Fir 1                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Interior Fir 2                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Heat Fuel                                                                     |             |                                 |             |            |           |               |    |      |       |           |             |
| Heat Type:                                                                    |             |                                 |             |            |           |               |    |      |       |           |             |
| AC Type:                                                                      |             |                                 |             |            |           |               |    |      |       |           |             |
| Total Bedrooms                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Total Bthrms:                                                                 |             |                                 |             |            |           |               |    |      |       |           |             |
| Total Half Baths                                                              |             |                                 |             |            |           |               |    |      |       |           |             |
| Total Xtra Fixtrs                                                             |             |                                 |             |            |           |               |    |      |       |           |             |
| Total Rooms:                                                                  |             |                                 |             |            |           |               |    |      |       |           |             |
| Bath Style:                                                                   |             |                                 |             |            |           |               |    |      |       |           |             |
| Kitchen Style:                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| RCN                                                                           |             |                                 | 0           |            |           |               |    |      |       |           |             |
| Year Built                                                                    |             |                                 | 0           |            |           |               |    |      |       |           |             |
| Effective Year Built                                                          |             |                                 | 0           |            |           |               |    |      |       |           |             |
| Depreciation Code                                                             |             |                                 | 0           |            |           |               |    |      |       |           |             |
| Remodel Rating                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Year Remodeled                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Depreciation %                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Functional Obsol                                                              |             |                                 |             |            |           |               |    |      |       |           |             |
| Economic Obsol                                                                |             |                                 |             |            |           |               |    |      |       |           |             |
| Trend Factor                                                                  |             |                                 | 1           |            |           |               |    |      |       |           |             |
| Condition                                                                     |             |                                 |             |            |           |               |    |      |       |           |             |
| Condition %                                                                   |             |                                 | 0           |            |           |               |    |      |       |           |             |
| Percent Good                                                                  |             |                                 |             |            |           |               |    |      |       |           |             |
| RCNLD                                                                         |             |                                 | 0           |            |           |               |    |      |       |           |             |
| Dep % Ovr                                                                     |             |                                 |             |            |           |               |    |      |       |           |             |
| Dep Ovr Comment                                                               |             |                                 |             |            |           |               |    |      |       |           |             |
| Misc Imp Ovr                                                                  |             |                                 |             |            |           |               |    |      |       |           |             |
| Misc Imp Ovr Comment                                                          |             |                                 |             |            |           |               |    |      |       |           |             |
| Cost to Cure Ovr                                                              |             |                                 |             |            |           |               |    |      |       |           |             |
| Cost to Cure Ovr Comment                                                      |             |                                 |             |            |           |               |    |      |       |           |             |
| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b> |             |                                 |             |            |           |               |    |      |       |           |             |
| Code                                                                          | Description | L/B                             | Units       | Unit Price | Yr Bilt   | Cond.         | Cd | % Gd | Grade | Grade Adj | Appr. Value |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                                      |             |                                 |             |            |           |               |    |      |       |           |             |
| Code                                                                          | Description | Living Area                     | Floor Area  | Elt Area   | Unit Cost | Undeprc Value |    |      |       |           |             |
|                                                                               |             |                                 | 0           | 0          | 0         | 0             |    |      |       |           |             |
| Ttl Gross Liv / Lease Area                                                    |             |                                 | 0           | 0          | 0         | 0             |    |      |       |           |             |



**Parcel ID:**

M42-25-01

**Address:**

1010 Green Street

**Owner:**

New England Power (National Grid)

**Other:**

National Grid Right of Way/ Old Rail Bed

**CURRENT OWNER**  
 NEW ENGLAND POWER  
**UTILITIES**  
**STRT/ROAD**  
**LOCATION**

**TOPO**  
**SUPPLEMENTAL DATA**  
 All Proj ID  
 Sub-Div  
 Photo  
 Ward  
 Prec.  
 GIS ID M\_159333\_928234  
 Assoc Pld#

C/O PROP TAX DEPT  
 40 SYLVAN RD  
 WALTHAM MA 02451-2286

**RECORD OF OWNERSHIP**  
 NEW ENGLAND POWER  
 BK-VOL/PAGE SALE DATE Q/U V/I SALE PRICE VG  
 4384 0009 Q V 7,500 00

| Year                     | Code | Description | Amount | Code | Description | Number | Amount | Code | Description | Amount |
|--------------------------|------|-------------|--------|------|-------------|--------|--------|------|-------------|--------|
| <b>EXEMPTIONS</b>        |      |             |        |      |             |        |        |      |             |        |
| <b>OTHER ASSESSMENTS</b> |      |             |        |      |             |        |        |      |             |        |
| Total 80,800             |      |             |        |      |             |        |        |      |             |        |

| Year  | Code | Description | Assessed | Year  | Code | Assessed | Year   | Code  | Assessed |        |
|-------|------|-------------|----------|-------|------|----------|--------|-------|----------|--------|
| 2023  | 4230 |             | 80,800   | 2022  | 4230 | 74,900   | 2021   | 4230  | 74,900   |        |
| Total |      |             | 80,800   | Total |      |          | 74,900 | Total |          | 74,900 |

**APPRaised VALUE SUMMARY**  
 Appraised Bldg. Value (Card)  
 Appraised Xf (B) Value (Bldg)  
 Appraised Ob (B) Value (Bldg)  
 Appraised Land Value (Bldg)  
 Special Land Value  
 Total Appraised Parcel Value 80,800

**ASSESSING NEIGHBORHOOD**  
 Nbhnd 0001  
 Nbhnd Name B  
 Tracing Batch

**NOTES**  
 WITH M27/20/51.M27/15/29.M37/20/10

| Permit ID                           | Issue Date | Type | Description | Amount | Insp Date | % Comp | Date Comp | Comments |
|-------------------------------------|------------|------|-------------|--------|-----------|--------|-----------|----------|
| <b>BUILDING PERMIT RECORD</b>       |            |      |             |        |           |        |           |          |
| Total Appraised Parcel Value 80,800 |            |      |             |        |           |        |           |          |

| Date       | ID | Type | Is | Cd | Purpos/Result |
|------------|----|------|----|----|---------------|
| 09-01-2022 | CK |      |    | 22 | Vacant Parcel |
| 10-20-2008 | AO |      |    | 00 | Measur+Listed |
| 04-08-1981 |    |      |    |    |               |

| Use Code                       | Description | Zone | Land Type | Land Units | Unit Price | Size Adj. | Site Index | Cond. | Nbhnd. | Nbhnd. Adj | Notes | Special Use | Adj Unit Price | Land Value |
|--------------------------------|-------------|------|-----------|------------|------------|-----------|------------|-------|--------|------------|-------|-------------|----------------|------------|
| 4230                           | Elec Row    | R2   |           | 43,560 SF  | 1.39       | 1.00000   | A          | 0.75  | C1     | 1,000      |       |             | 1.04           | 45,400     |
| 4230                           | Elec Row    | R2   |           | 17,690 AC  | 4,000.00   | 1.00000   | 0          | 0.50  |        | 1,000      |       |             | 2,000          | 35,400     |
| Total Card Land Units 18.69 AC |             |      |           |            |            |           |            |       |        |            |       |             |                |            |
| Parcel Total Land Area: 18.69  |             |      |           |            |            |           |            |       |        |            |       |             |                |            |

| <b>LAND LINE VALUATION SECTION</b> |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Total Land Value 80,800            |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| <b>APPRaised VALUE SUMMARY</b>      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Total Appraised Parcel Value 80,800 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| <b>APPRaised VALUE SUMMARY</b>      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Total Appraised Parcel Value 80,800 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| <b>APPRaised VALUE SUMMARY</b>      |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|-------------------------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Total Appraised Parcel Value 80,800 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

10891

Property Location 1010 GREEN ST  
 Account #

Map ID M421 251 1/1

Bldg Name  
 Sec # 1 of 1

Card # 1 of 1

State Use 4230  
 Print Date 1/6/2023 5:00:34 PM

104438

| CONSTRUCTION DETAIL |             | CONSTRUCTION DETAIL (CONTINUED) |             |
|---------------------|-------------|---------------------------------|-------------|
| Element             | Description | Element                         | Description |
| 99                  | Vacant Land |                                 |             |
| Model 00            |             |                                 |             |
| Grade:              |             |                                 |             |
| Stories:            |             |                                 |             |
| Occupancy           |             |                                 |             |
| Exterior Wall 1     |             |                                 |             |
| Exterior Wall 2     |             |                                 |             |
| Roof Structure:     |             |                                 |             |
| Roof Cover          |             |                                 |             |
| Interior Wall 1     |             |                                 |             |
| Interior Wall 2     |             |                                 |             |
| Interior Flr 1      |             |                                 |             |
| Interior Flr 2      |             |                                 |             |
| Heat Fuel           |             |                                 |             |
| Heat Type:          |             |                                 |             |
| AC Type:            |             |                                 |             |
| Total Bedrooms      |             |                                 |             |
| Total Bathrms:      |             |                                 |             |
| Total Half Baths    |             |                                 |             |
| Total Xtra Fixrs    |             |                                 |             |
| Total Rooms:        |             |                                 |             |
| Bath Style:         |             |                                 |             |
| Kitchen Style:      |             |                                 |             |

| MIXED USE |             | COST / MARKET VALUATION |  |
|-----------|-------------|-------------------------|--|
| Code      | Description | Percentage              |  |
| 4230      | Elec Row    | 100                     |  |
|           |             | 0                       |  |
|           |             | 0                       |  |

| RCN  |                          | COST / MARKET VALUATION |   |
|------|--------------------------|-------------------------|---|
| Code | Description              | Percentage              |   |
|      | Year Built               |                         | 0 |
|      | Effective Year Built     |                         | 0 |
|      | Depreciation Code        |                         | 0 |
|      | Remodel Rating           |                         | 0 |
|      | Year Remodeled           |                         | 0 |
|      | Depreciation %           |                         | 0 |
|      | Functional Obsol         |                         | 0 |
|      | Economic Obsol           |                         | 0 |
|      | Trend Factor             |                         | 1 |
|      | Condition                |                         | 0 |
|      | Condition %              |                         | 0 |
|      | Percent Good             |                         | 0 |
|      | RCNLD                    |                         | 0 |
|      | Dep % Ovr                |                         | 0 |
|      | Dep Ovr Comment          |                         |   |
|      | Misc Imp Ovr             |                         |   |
|      | Misc Imp Ovr Comment     |                         |   |
|      | Cost to Cure Ovr         |                         |   |
|      | Cost to Cure Ovr Comment |                         |   |

| OB - OUTBUILDING & YARD ITEMS (L) / XF - BUILDING EXTRA FEATURES (B) |             |             |            |            |           |                |    |      |       |            |             |
|----------------------------------------------------------------------|-------------|-------------|------------|------------|-----------|----------------|----|------|-------|------------|-------------|
| Code                                                                 | Description | L/B         | Units      | Unit Price | Yr Bill   | Cond.          | Cd | % Gd | Grade | Grade Adj. | Appr. Value |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                             |             |             |            |            |           |                |    |      |       |            |             |
| Code                                                                 | Description | Living Area | Floor Area | Eff Area   | Unit Cost | Undeprec Value |    |      |       |            |             |
|                                                                      |             |             |            |            |           |                |    |      |       |            |             |

Ttl Gross Liv / Lease Area

0 0 0 0 0

No Sketch



**Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report**

Current datetime: 2/7/2023 3:28:21 PM

| <b>Doc#</b>                                         | <b>Document Type</b> | <b>Town</b> | <b>Book/Page</b> | <b>File Date</b> | <b>Consideration</b> |
|-----------------------------------------------------|----------------------|-------------|------------------|------------------|----------------------|
| 0                                                   |                      |             |                  |                  |                      |
| <b>Property-Street Address and/or Description</b>   |                      |             |                  |                  |                      |
| <b>Grantors</b>                                     |                      |             |                  |                  |                      |
| <b>Grantees</b>                                     |                      |             |                  |                  |                      |
| <b>References-Book/Pg Description Recorded Year</b> |                      |             |                  |                  |                      |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |                      |             |                  |                  |                      |

See Plan  
Book 273,  
Plan 3

KNOW ALL MEN BY THESE PRESENTS

that Boston and Maine Railroad, a corporation duly established under the laws of the Commonwealth of Massachusetts, for ~~the sum of~~ **Seventy-five Hundred Dollars (\$7500.00)** paid and received, to it/~~by~~ New England Power Company, a corporation duly organized under the laws of the Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said New England Power Company, its successors and assigns, all of its right, title and interest in and to four (4) certain pieces or parcels of land situated in Gardner, County of Worcester and Commonwealth of Massachusetts, bounded and described as follows:

Parcel #1: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between Park Street, so-called, on the South and Cemetery Road, so-called, on the North, said parcel containing about one and twenty-five hundredths (1.25) acres;

Parcel #2: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between said Cemetery Road, on the South, and Park Street or Park Street Relocation (Picnic Grounds Crossing) on the North, said parcel containing about eight and eighty-three hundredths (8.83) acres;

Parcel #3: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between Park Street or Park Street Relocation (Picnic Grounds Crossing, so-called) on the South and on the discontinued Park Street crossing on the North, said parcel containing about four and fifty-four hundredths (4.54) acres; and

Parcel #4, a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between the discontinued Park Street crossing on the South and Winchendon Street, so-called, on the North, said parcel containing about eighteen and sixty-nine hundredths (18.69) acres;

all of said parcels being as shown upon a plan marked: "Boston and Maine Railroad Proposed Land Sale East of Heywood Station GARDNER, MASS. To New England Power Company J. F. Kerwin Ass't. Chief Eng'r Scale: - Graphic Feb. 1962", to be recorded, ~~and a copy of which is hereto attached~~ to which reference is hereby made for a further description of said premises.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to build and forever maintain a suitable fence along the boundaries of said parcel common to said parcel and remaining land of the grantor if a fence is required at any time hereafter. This covenant is to run with the land hereinabove described and to be binding upon the grantee, its successors and assigns, forever.

**Parcel ID:**

M37-20-10

**Address:**

No Formal Address

**Owner:**

New England Power (National Grid)

**Other:**

Wooded Lot



Property Location: PARK ST  
 Account #: M37/ 20/ 10/ 1  
 Map ID: M37/ 20/ 10/ 1  
 Bidg # 1  
 Bidg Name: Sec # 1 of 1  
 Card # 1 of 1  
 State Use 4230  
 Print Date 1/5/2023 2:12:06 PM

|                                                            |             |                  |                  |                 |                                                 |                           |                 |               |
|------------------------------------------------------------|-------------|------------------|------------------|-----------------|-------------------------------------------------|---------------------------|-----------------|---------------|
| <b>NEW ENGLAND POWER</b>                                   | <b>TOPO</b> | <b>UTILITIES</b> | <b>STRT/ROAD</b> | <b>LOCATION</b> | <b>DESCRIPTION</b>                              | <b>CURRENT ASSESSMENT</b> | <b>ASSESSED</b> | <b>316</b>    |
| C/O PROP TAX DEPT<br>40 SYLVAN RD<br>WALTHAM MA 02451-2286 |             |                  |                  |                 | IND LAND<br>4230                                | Appraised<br>52,500       | 52,500          | GARDNER, MA   |
|                                                            |             |                  |                  |                 | <b>SUPPLEMENTAL DATA</b>                        |                           |                 |               |
|                                                            |             |                  |                  |                 | All Pct ID<br>Sub-Div<br>Photo<br>Ward<br>Prec. |                           |                 | <b>VISION</b> |
|                                                            |             |                  |                  |                 | GIS ID: M_159033_927414                         |                           |                 |               |

| RECORD OF OWNERSHIP |      |             |              | PREVIOUS ASSESSMENTS (HISTORY) |      |               |               |
|---------------------|------|-------------|--------------|--------------------------------|------|---------------|---------------|
| Year                | Code | Description | Amount       | Year                           | Code | Assessed      | Year          |
| NEW ENGLAND POWER   | 4384 | 0009        | 07-09-1963   | 2023                           | 4230 | 52,500        | 2021          |
|                     |      |             |              | 2022                           | 4230 | 46,600        | 2021          |
|                     |      |             | <b>Total</b> |                                |      | <b>52,500</b> | <b>46,600</b> |

| EXEMPTIONS |      |             |              | OTHER ASSESSMENTS |             |        |             |
|------------|------|-------------|--------------|-------------------|-------------|--------|-------------|
| Year       | Code | Description | Amount       | Code              | Description | Number | Amount      |
|            |      |             |              |                   |             |        |             |
|            |      |             | <b>Total</b> |                   |             |        | <b>0.00</b> |

| ASSESSING NEIGHBORHOOD |           |   |         |
|------------------------|-----------|---|---------|
| Nbhd                   | Nbhd Name | B | Tracing |
| 0001                   |           |   |         |

| BUILDING PERMIT RECORD |            |      |             |
|------------------------|------------|------|-------------|
| Permit Id              | Issue Date | Type | Description |
|                        |            |      |             |

| LAND LINE VALUATION SECTION |             |      |                              |                |                                     |           |            |       |       |            |
|-----------------------------|-------------|------|------------------------------|----------------|-------------------------------------|-----------|------------|-------|-------|------------|
| Use Code                    | Description | Zone | Land Type                    | Land Units     | Unit Price                          | Size Adj. | Site Index | Cond. | Nbhd. | Nbhd. Adj. |
| 4230                        | Elec Row    | R2   |                              | 43,560 SF      | 1.39                                | 1.00000   | A          | 0.75  | C1    | 1.000      |
| 4230                        | Elec Row    | 000  |                              | 3,540 AC       | 4,000.00                            | 1.00000   | 0          | 0.50  |       | 1.000      |
|                             |             |      | <b>Total Card Land Units</b> | <b>4.54 AC</b> | <b>Parcel Total Land Area: 4.54</b> |           |            |       |       |            |

| APPRaised VALUE SUMMARY             |               |  |  |
|-------------------------------------|---------------|--|--|
| Appraised Bldg. Value (Card)        | 0             |  |  |
| Appraised X (B) Value (Bldg)        | 0             |  |  |
| Appraised Ob (B) Value (Bldg)       | 0             |  |  |
| Appraised Land Value (Bldg)         | 52,500        |  |  |
| Special Land Value                  | 0             |  |  |
| <b>Total Appraised Parcel Value</b> | <b>52,500</b> |  |  |

| VISIT/CHANGE HISTORY |    |      |    |
|----------------------|----|------|----|
| Date                 | Id | Type | is |
| 07-25-2022           | CK |      | 22 |
| 10-20-2008           | PR |      | 99 |
| 04-08-1981           |    |      |    |

| Special Use             |   | Adj Unit Pric | Land Value    |
|-------------------------|---|---------------|---------------|
| 0                       | 0 | 1.04          | 45,400        |
| 0                       | 0 | 2,000         | 7,100         |
| <b>Total Land Value</b> |   |               | <b>52,500</b> |

**CONSTRUCTION DETAIL**

**CONSTRUCTION DETAIL (CONTINUED)**

Element: Cd  
 Style: 99  
 Model: 00  
 Grade: Vacant Land  
 Stories: Vacant

Occupancy: Exterior Wall 1  
 Exterior Wall 2  
 Roof Structure:  
 Roof Cover:  
 Interior Wall 1  
 Interior Wall 2  
 Interior Fir 1  
 Interior Fir 2  
 Heat: Fuel  
 Heat Type:  
 A/C Type:  
 Total Bedrooms  
 Total Bathrooms:  
 Total Half Baths  
 Total Xtra Fixtr's  
 Total Rooms:  
 Bath Style:  
 Kitchen Style:

| Code | Description | Percentage |
|------|-------------|------------|
| 4230 | MIXED USE   | 100        |
|      | Elect Row   | 0          |
|      |             | 0          |

| COST/MARKET VALUATION    |   |
|--------------------------|---|
| RCN                      | 0 |
| Year Built               |   |
| Effective Year Built     | 0 |
| Depreciation Code        | 0 |
| Remodel Rating           |   |
| Year Remodeled           |   |
| Depreciation %           | 0 |
| Functional Obsol         | 0 |
| Economic Obsol           | 0 |
| Trend Factor             | 1 |
| Condition                |   |
| Condition %              | 0 |
| Percent Good             | 0 |
| RCNLD                    | 0 |
| Dep % Ovr                |   |
| Dep Ovr Comment          |   |
| Misc Imp Ovr             |   |
| Misc Imp Ovr Comment     |   |
| Cost to Cure Ovr         |   |
| Cost to Cure Ovr Comment |   |

**OB - OUTBUILDING & YARD ITEMS (A) / XF - BUILDING EXTRA FEATURES (B)**

| Code | Description | UB | Units | Unit Price | Yr Bilt | Cond. | Cd | % Gd | Grade | Grade Adj | Appr. Value |
|------|-------------|----|-------|------------|---------|-------|----|------|-------|-----------|-------------|
|      |             |    |       |            |         |       |    |      |       |           |             |

**BUILDING SUB-AREA SUMMARY SECTION**

| Code | Description               | Living Area | Floor Area | Elf Area | Unit Cost | Undeprec Value |
|------|---------------------------|-------------|------------|----------|-----------|----------------|
|      |                           |             |            |          |           |                |
|      | TU Gross Lvr / Lease Area | 0           | 0          | 0        |           | 0              |

No Sketch



**NEW ENGLAND POWER** **TOPO** **UTILITIES** **STRT/ROAD** **LOCATION**  
 Description Code Appraised Assessed  
 IND LAND 4230 80,800 80,800  
 316  
 GARDNER, MA

**C/O PROP TAX DEPT**  
 40 SYLVAN RD  
 WALTHAM MA 02451-2286  
 Alt Prcd ID  
 Sub-Div  
 Photo  
 Ward  
 Prec.  
 GIS ID M\_159333\_928234  
 Assoc Pld#

**RECORD OF OWNERSHIP**

| BK-VOL/PAGE  | SALE DATE | QU | VI | SALE PRICE | VC | Year | Code | Assessed | Year | Code | Assessed |
|--------------|-----------|----|----|------------|----|------|------|----------|------|------|----------|
| 4384 0009    |           | Q  | V  | 7,500      | 00 | 2023 | 4230 | 80,800   | 2022 | 4230 | 74,900   |
| <b>Total</b> |           |    |    |            |    |      |      | 80,800   |      |      | 80,800   |

**EXEMPTIONS**

| Year                                | Code | Description | Amount | Code | Description | Number | Amount | Comm Int |
|-------------------------------------|------|-------------|--------|------|-------------|--------|--------|----------|
| <b>ASSESSING NEIGHBORHOOD</b>       |      |             |        |      |             |        |        |          |
|                                     | Nbhd | Nbhd Name   |        |      | Tracing     |        |        | Batch    |
|                                     | 0001 |             | 0.00   |      |             |        |        |          |
| <b>NOTES</b>                        |      |             |        |      |             |        |        |          |
| WITH M27120/51, M2715/29, M37120/10 |      |             |        |      |             |        |        |          |

**OTHER ASSESSMENTS**

| Year                                | Code | Description | Amount | Code | Description | Number | Amount | Comm Int |
|-------------------------------------|------|-------------|--------|------|-------------|--------|--------|----------|
| <b>APPRaised VALUE SUMMARY</b>      |      |             |        |      |             |        |        |          |
| Appraised Bldg. Value (Card) 0      |      |             |        |      |             |        |        |          |
| Appraised Xf (B) Value (Bldg) 0     |      |             |        |      |             |        |        |          |
| Appraised Ob (B) Value (Bldg) 0     |      |             |        |      |             |        |        |          |
| Appraised Land Value (Bldg) 80,800  |      |             |        |      |             |        |        |          |
| Special Land Value 0                |      |             |        |      |             |        |        |          |
| Total Appraised Parcel Value 80,800 |      |             |        |      |             |        |        |          |

**BUILDING PERMIT RECORD**

| Permit Id | Issue Date | Type | Description | Amount | Insp Date | % Comp | Date Comp | Comments      |
|-----------|------------|------|-------------|--------|-----------|--------|-----------|---------------|
|           |            |      |             |        |           |        |           | 09-01-2022 CK |
|           |            |      |             |        |           |        |           | 10-20-2008 AO |
|           |            |      |             |        |           |        |           | 04-08-1981    |

**LAND LINE VALUATION SECTION**

| B                                     | Use Code | Description | Zone | Land Type | Land Units | Unit Price | Size Adj. | Site Index | Cond. | Nbhd. | Nbhd. Adj | Notes | Special Use | Adj Unit Pric | Land Value |
|---------------------------------------|----------|-------------|------|-----------|------------|------------|-----------|------------|-------|-------|-----------|-------|-------------|---------------|------------|
| 1                                     | 4230     | Elec Row    | R2   |           | 43,560 SF  | 1.39       | 1.00000   | A          | 0.75  | C1    | 1,000     |       | 0           | 1.04          | 45,400     |
| 1                                     | 4230     | Elec Row    | R2   |           | 17,690 AC  | 4,000.00   | 1.00000   |            | 0.50  |       | 1,000     |       | 0           | 2,000         | 35,400     |
| <b>Total Card Land Units</b> 18.69 AC |          |             |      |           |            |            |           |            |       |       |           |       |             |               |            |
| <b>Parcel Total Land Area:</b> 18.69  |          |             |      |           |            |            |           |            |       |       |           |       |             |               |            |
| <b>Total Land Value</b> 80,800        |          |             |      |           |            |            |           |            |       |       |           |       |             |               |            |

**VISIT/CHANGE HISTORY**

| Date       | Id | Type | Is | Cd | Purpose/Result |
|------------|----|------|----|----|----------------|
| 09-01-2022 | CK |      |    | 22 | Vacant Parcel  |
| 10-20-2008 | AO |      |    | 00 | Messur+Listed  |
| 04-08-1981 |    |      |    |    |                |





**CONSTRUCTION DETAIL**

Style: 99 Cd Vacant Land Description Element Cd Description

Model: 00  
 Grade: Vacant  
 Stories:  
 Occupancy  
 Exterior Wall 1  
 Exterior Wall 2  
 Roof Structure:  
 Roof Cover:  
 Interior Wall 1  
 Interior Wall 2  
 Interior Flr 1  
 Interior Flr 2  
 Heat Fuel:  
 Heat Type:  
 AC Type:  
 Total Bedrooms  
 Total Bathrms:  
 Total Half Baths  
 Total Xtra Fixtrs  
 Total Rooms:  
 Bath Style:  
 Kitchen Style:

**CONSTRUCTION DETAIL (CONTINUED)**

Year Built  
 Effective Year Built  
 Depreciation Code  
 Remodel Rating  
 Year Remodeled  
 Depreciation %  
 Functional Obsol  
 Economic Obsol  
 Trend Factor  
 Condition  
 Condition %  
 Percent Good  
 RCNLD  
 Dep % Ovr  
 Dep Ovr Comment  
 Misc Imp Ovr Comment  
 Cost to Cure Ovr Comment

**MIXED USE**

| Code | Description | Percentage |
|------|-------------|------------|
| 4230 | Elec Row    | 100        |
|      |             | 0          |
|      |             | 0          |

**COST/MARKET VALUATION**

| RCN |   |   |
|-----|---|---|
| 0   | 0 | 0 |

| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b> |             |    |       |            |         |         |      |       |            |             |
|-------------------------------------------------------------------------------|-------------|----|-------|------------|---------|---------|------|-------|------------|-------------|
| Code                                                                          | Description | UB | Units | Unit Price | Yr Bilt | Cond Cd | % Gd | Grade | Grade Adj. | Appr. Value |
|                                                                               |             |    |       |            |         |         |      |       |            |             |
|                                                                               |             |    |       |            |         |         |      |       |            |             |

**BUILDING SUB-AREA SUMMARY SECTION**

| Code | Description               | Living Area | Floor Area | Eff Area | Unit Cost | Undeprec Value |
|------|---------------------------|-------------|------------|----------|-----------|----------------|
|      | TI Gross Liv / Lease Area | 0           | 0          | 0        |           | 0              |

No Sketch



# Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:26:48 PM

| Doc#                                                | Document Type | Town | Book/Page | File Date  | Consideration |
|-----------------------------------------------------|---------------|------|-----------|------------|---------------|
| 43846                                               | DEED          |      | 04384/9   | 07/09/1963 | 7500.00       |
| <b>Property-Street Address and/or Description</b>   |               |      |           |            |               |
| PARK ST, CEMETARY RD, WINCHENDON ST, SOUTH ST       |               |      |           |            |               |
| <b>Grantors</b>                                     |               |      |           |            |               |
| BOSTON & MAINE RAILROAD                             |               |      |           |            |               |
| <b>Grantees</b>                                     |               |      |           |            |               |
| NEW ENGLAND POWER CO                                |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b> |               |      |           |            |               |
| 49801/181 REL 2012                                  |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |               |      |           |            |               |

4384

9

See Plan  
Book 273,  
Plan 3

KNOW ALL MEN BY THESE PRESENTS

that Boston and Maine Railroad, a corporation duly established under the laws of the Commonwealth of Massachusetts, for <sup>Seventy-five Hundred Dollars (\$7500.00)</sup> ~~the sum of~~ ~~and other valuable considerations~~ paid and received, to ~~it~~ by New England Power Company, a corporation duly organized under the laws of the Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the said New England Power Company, its successors and assigns, all of its right, title and interest in and to four (4) certain pieces or parcels of land situated in Gardner, County of Worcester and Commonwealth of Massachusetts, bounded and described as follows:

Parcel #1: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between Park Street, so-called, on the South and Cemetery Road, so-called, on the North, said parcel containing about one and twenty-five hundredths (1.25) acres;

Parcel #2: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between said Cemetery Road, on the South, and Park Street or Park Street Relocation (Picnic Grounds Crossing) on the North, said parcel containing about eight and eighty-three hundredths (8.83) acres;

Parcel #3: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between Park Street or Park Street Relocation (Picnic Grounds Crossing, so-called) on the South and on the discontinued Park Street crossing on the North, said parcel containing about four and fifty-four hundredths (4.54) acres; and

Parcel #4. a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between the discontinued Park Street crossing on the South and Winchendon Street, so-called, on the North, said parcel containing about eighteen and sixty-nine hundredths (18.69) acres;

all of said parcels being as shown upon a plan marked: "Boston and Maine Railroad Proposed Land Sale East of Heywood Station GARDNER, MASS. To New England Power Company J. F. Kerwin Ass't. Chief Eng'r Scale: - Graphic Feb. 1962", to be recorded, ~~and~~ ~~attached~~ ~~to~~ ~~which~~ ~~reference~~ ~~is~~ ~~hereby~~ ~~made~~ ~~for~~ ~~a~~ ~~further~~ ~~description~~ ~~of~~ ~~said~~ ~~premises~~.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to build and forever maintain a suitable fence along the boundaries of said parcel common to said parcel and remaining land of the grantor if a fence is required at any time hereafter. This covenant is to run with the land hereinabove described and to be binding upon the grantee, its successors and assigns, forever.



4364

10

2.



Excepting from this conveyance any and all tracks and track materials located within the limits of the above described parcels. Said conveyance is hereby made subject to the right of the grantor, its successors and assigns, to maintain said sections of tracks and track material in their present location and to operate locomotives and cars thereon; and further, subject to the right of the grantor, its successors and assigns, to enter upon the said above described parcels from time to time and at any and all reasonable times in order to inspect, repair, relay, renew, maintain and remove said tracks and track material. When the tracks are removed, this right will cease.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto belonging, to the said New England Power Company, its successors and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF the said Boston and Maine Railroad has caused these presents to be executed and its corporate seal to be hereto affixed by G. F. Glacy, a Vice President, thereunto duly authorized, this *11th* day of *April*, in the year one thousand nine hundred and sixty-three.

BOSTON AND MAINE RAILROAD,

By *G. F. Glacy*  
Vice President.

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Boston, *April 11*, 1963.

Then personally appeared the above named G. F. Glacy, a Vice President of said Boston and Maine Railroad, and acknowledged the foregoing instrument to be the free act and deed of said Boston and Maine Railroad,

before me

Gertrude E. Cryan

Notary Public

My Commission expires *Aug. 30, 1963*

At a Meeting of the Board of Directors of BOSTON AND MAINE RAILROAD,  
duly called, notified and held on June 13, 1962, a quorum being present,  
the following action was taken:

"VOTED: to enter into an agreement, the terms of which are to be satisfac-  
tory to the President or any Vice President of this Company, for the sale by this Company  
to Massachusetts Electric Company (New England Power Company) or nominee, of four (4)  
parcels of land at Gardner, Massachusetts, for a consideration of \$7,500.00 and

respective acres,  
containing ~~an~~ areas of about 1.25 acres, 8.83 acres, 4.54 acres and 18.69/ subject to  
more accurate computation and survey approved by the President or any Vice President  
of this Company; and the President, or any Vice President of this Company be and he  
hereby is authorized, in its name and behalf, to execute and deliver such agreement; and further

"VOTED: that the President, or any Vice President of this Company, be and  
he hereby is authorized in its name and behalf, to execute, acknowledge and deliver a  
deed of said premises when said further computation and survey have been completed  
and the signature of such officer on such deed shall be conclusive evidence of his  
approval of such computation and survey."

I, Maynard W. Bullis, Clerk of said Boston and Maine  
Railroad, do hereby certify that New England Power Company,

the grantee in the deed to which this certificate is attached, is the party  
who has been nominated ~~by~~

to accept such deed; and I further certify that the above mentioned  
computation and survey have been completed and that the premises described as conveyed  
by said deed are the same premises authorized to be conveyed in the vote of said Board  
of Directors hereinabove set forth.

Attest:

  
Clerk.

**Parcel ID:**

M42-25-03

**Address:**

834 Green St

**Owner:**

Donald Lajoie

**Other:**

Current use would be grandfathered in the  
event of a zoning change

Property Location 834 GREEN ST  
 Vision ID 4592

Map ID M42/ 25/ 3/ /  
 Account #

Bldg Name Sec # 1 of 1  
 Card # 1 of 1

Slate Use 1010  
 Print Date 1/5/2023 7:49:52 PM

| CURRENT OWNER               |  | TOPO                                                         | UTILITIES          | START/ROAD     | LOCATION    | CURRENT ASSESSMENT    |            | PREVIOUS ASSESSMENTS (HISTORY)                                      |            |                           |       |       |          |       |
|-----------------------------|--|--------------------------------------------------------------|--------------------|----------------|-------------|-----------------------|------------|---------------------------------------------------------------------|------------|---------------------------|-------|-------|----------|-------|
| LAJOIE DONALD T JR          |  | 1 Level                                                      | 5 Well<br>6 Septic | 1 Paved        | 2 Suburban  | Description           | Code       | Assessed                                                            | Assessed   |                           |       |       |          |       |
| 834 GREEN ST                |  | SUPPLEMENTAL DATA                                            |                    |                |             | RESIDENTL             | 1010       | 157,300                                                             | 157,300    |                           |       |       |          |       |
| GARDNER MA 01440            |  | All Fcld ID<br>Sub-Div<br>Photo<br>Ward<br>Prec.             |                    |                |             | RES LAND              | 1010       | 73,200                                                              | 73,200     |                           |       |       |          |       |
|                             |  | Assoc Pld#                                                   |                    |                |             | RESIDENTL             | 1010       | 24,300                                                              | 24,300     |                           |       |       |          |       |
| GIS ID M_159544_928388      |  |                                                              |                    |                |             | Total 254,800 254,800 |            |                                                                     |            |                           |       |       |          |       |
| RECORD OF OWNERSHIP         |  | BK-VOL/PAGE                                                  | SALE DATE          | QU             | VII         | SALE PRICE            | VC         | PREVIOUS ASSESSMENTS (HISTORY)                                      |            |                           |       |       |          |       |
| LAJOIE DONALD T JR          |  | 42488                                                        | 02-29-2008         | U              | 1           | 1A                    | 1A         | Year                                                                | Assessed   |                           |       |       |          |       |
| LAJOIE DONALD T JR          |  | 38986                                                        | 05-18-2006         | U              | 1           | 1A                    | 1A         | 2023                                                                | 157,300    |                           |       |       |          |       |
| LAJOIE DONALD T JR          |  | 26253                                                        | 03-28-2002         | U              | 1           | 1A                    | 1A         | 2022                                                                | 1010       |                           |       |       |          |       |
| LAJOIE DONALD T JR          |  | 25204                                                        | 11-07-2001         | U              | 1           | 1A                    | 1A         | 2021                                                                | 1010       |                           |       |       |          |       |
| LAJOIE DONALD T JR          |  | 24056                                                        | 05-21-2001         | U              | 1           | 1A                    | 1A         | 2020                                                                | 1010       |                           |       |       |          |       |
|                             |  | Total 0.00                                                   |                    |                |             | Total 220,400 201,000 |            |                                                                     |            |                           |       |       |          |       |
| EXEMPTIONS                  |  | Description                                                  | Amount             | Code           | Description | Number                | Amount     | OTHER ASSESSMENTS                                                   |            |                           |       |       |          |       |
|                             |  |                                                              |                    |                |             |                       |            | This signature acknowledges a visit by a Data Collector or Assessor |            |                           |       |       |          |       |
| BROWN/IA                    |  | ASSESSING NEIGHBORHOOD                                       |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
| WDK-2001                    |  | Tracing                                                      |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
| 24X30 BARN-2005             |  | Batch                                                        |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | NOTES                                                        |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Appraised Bldg. Value (Card) 157,300                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Appraised Xf (B) Value (Bldg) 0                              |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Appraised Ob (B) Value (Bldg) 24,300                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Appraised Land Value (Bldg) 73,200                           |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Special Land Value 0                                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Total Appraised Parcel Value 254,800                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
| BUILDING PERMIT RECORD      |  | Permit Id                                                    | Issue Date         | Type           | Description | Amount                | Insp Date  | % Comp                                                              | Date Comp  | Comments                  |       |       |          |       |
|                             |  | 12-541                                                       | 04-12-2012         |                |             | 3,200                 | 02-06-2013 | 100                                                                 | 02-06-2013 | LAYOVER ONE LAYER ROOF    |       |       |          |       |
| LAND LINE VALUATION SECTION |  | B                                                            | Use Code           | Description    | Zone        | Land Type             | Land Units | Unit Price                                                          | Size Adj.  | Site Index                | Cond. | Nbhd  | Nbhd Adj | Notes |
|                             |  | 1                                                            | 1010               | Single Fam MDL | R2          |                       | 60,000 SF  | 1.30                                                                | 0.75000    | 4                         | 0.75  | 1,000 | 1,000    | TOPO  |
|                             |  | 1                                                            | 1010               | Single Fam MDL | R2          |                       | 0 FF       | 0.00                                                                | 1.00000    | 0                         | 0.50  | 1,000 | 1,000    | TOPO  |
|                             |  | 1                                                            | 1010               | Single Fam MDL | R2          |                       | 16,120 AC  | 4,000.00                                                            | 1.00000    | 0                         | 0.50  | 1,000 | 1,000    | WET   |
|                             |  | Total Card Land Units 17.50 AC Parcel Total Land Area: 17.50 |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Total Appraised Parcel Value 254,800                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
| VISIT / CHANGE HISTORY      |  | Permit Id                                                    | Issue Date         | Type           | Date        | Id                    | Type       | Is                                                                  | Cd         | Purpos/Result             |       |       |          |       |
|                             |  |                                                              |                    |                | 08-21-2018  | JG                    |            |                                                                     | 00         | Measur+Listed             |       |       |          |       |
|                             |  |                                                              |                    |                | 05-31-2016  | DH                    |            |                                                                     | 00         | Measur+Listed             |       |       |          |       |
|                             |  |                                                              |                    |                | 02-06-2013  | PH                    | 02         | 7                                                                   | 13         | Building Permit DB        |       |       |          |       |
|                             |  |                                                              |                    |                | 10-27-2010  | NC                    | 01         | 1                                                                   | 00         | Measur+Listed             |       |       |          |       |
|                             |  |                                                              |                    |                | 10-12-2010  | VA                    |            |                                                                     | 11         | Callback Letter Mailed    |       |       |          |       |
|                             |  |                                                              |                    |                | 07-12-2010  | DK                    | 02         |                                                                     | 01         | Measur+1 Visit - Info Car |       |       |          |       |
|                             |  |                                                              |                    |                | 07-12-2010  | DK                    | 02         |                                                                     | 02         | Measur+2 Visit - Info Car |       |       |          |       |
|                             |  | Total Appraised Parcel Value 254,800                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
| LAND VALUATION SECTION      |  | B                                                            | Use Code           | Description    | Zone        | Land Type             | Land Units | Unit Price                                                          | Size Adj.  | Site Index                | Cond. | Nbhd  | Nbhd Adj | Notes |
|                             |  | 1                                                            | 1010               | Single Fam MDL | R2          |                       | 60,000 SF  | 1.30                                                                | 0.75000    | 4                         | 0.75  | 1,000 | 1,000    | TOPO  |
|                             |  | 1                                                            | 1010               | Single Fam MDL | R2          |                       | 0 FF       | 0.00                                                                | 1.00000    | 0                         | 0.50  | 1,000 | 1,000    | TOPO  |
|                             |  | 1                                                            | 1010               | Single Fam MDL | R2          |                       | 16,120 AC  | 4,000.00                                                            | 1.00000    | 0                         | 0.50  | 1,000 | 1,000    | WET   |
|                             |  | Total Card Land Units 17.50 AC Parcel Total Land Area: 17.50 |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |
|                             |  | Total Appraised Parcel Value 254,800                         |                    |                |             |                       |            |                                                                     |            |                           |       |       |          |       |

**VISION**

**APPRAISED VALUE SUMMARY**

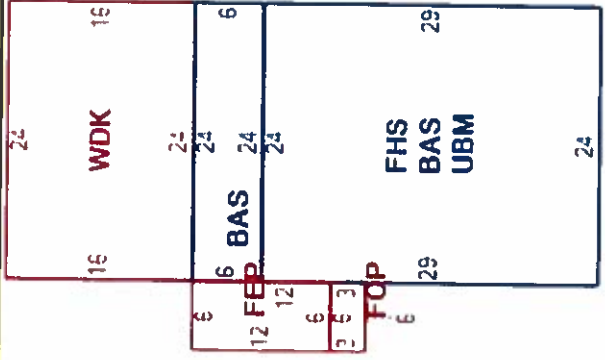
**APPRAISED VALUE SUMMARY**

**LAND LINE VALUATION SECTION**

**BUILDING PERMIT RECORD**

**VISIT / CHANGE HISTORY**

| CONSTRUCTION DETAIL                                                           |                           |                            | CONSTRUCTION DETAIL (CONTINUED) |            |             |               |      |       |           |             |
|-------------------------------------------------------------------------------|---------------------------|----------------------------|---------------------------------|------------|-------------|---------------|------|-------|-----------|-------------|
| Element                                                                       | Cd                        | Description                | Element                         | Cd         | Description |               |      |       |           |             |
| Style:                                                                        | 06                        | Conventional               |                                 |            |             |               |      |       |           |             |
| Model:                                                                        | 01                        | Residential                |                                 |            |             |               |      |       |           |             |
| Grade:                                                                        | 03                        | Average                    |                                 |            |             |               |      |       |           |             |
| Stories:                                                                      | 1.5                       | 1 1/2 Stories              |                                 |            |             |               |      |       |           |             |
| Occupancy                                                                     | 1                         | Vinyl Siding               |                                 |            |             |               |      |       |           |             |
| Exterior Wall 1                                                               | 25                        | Gable/Hip                  |                                 |            |             |               |      |       |           |             |
| Exterior Wall 2                                                               | 03                        | Asph/F Glis/Cmp            |                                 |            |             |               |      |       |           |             |
| Roof Structure:                                                               | 03                        | Plastered                  |                                 |            |             |               |      |       |           |             |
| Interior Wall 1                                                               | 03                        | Hardwood                   |                                 |            |             |               |      |       |           |             |
| Interior Wall 2                                                               | 12                        | Oil                        |                                 |            |             |               |      |       |           |             |
| Interior Fir 1                                                                | 02                        | Hot Water                  |                                 |            |             |               |      |       |           |             |
| Interior Fir 2                                                                | 05                        | None                       |                                 |            |             |               |      |       |           |             |
| Heat Fuel:                                                                    | 01                        | 4 Bedrooms                 |                                 |            |             |               |      |       |           |             |
| Heat Type:                                                                    | 04                        | Average                    |                                 |            |             |               |      |       |           |             |
| AC Type:                                                                      | 02                        | Average                    |                                 |            |             |               |      |       |           |             |
| Total Bedrooms                                                                | 7                         |                            |                                 |            |             |               |      |       |           |             |
| Total Baths                                                                   | 0                         |                            |                                 |            |             |               |      |       |           |             |
| Total Half Baths                                                              | 1                         |                            |                                 |            |             |               |      |       |           |             |
| Total Xtra Fixtrs                                                             | 0                         |                            |                                 |            |             |               |      |       |           |             |
| Total Rooms:                                                                  | 7                         |                            |                                 |            |             |               |      |       |           |             |
| Bath Style:                                                                   | 02                        |                            |                                 |            |             |               |      |       |           |             |
| Kitchen Style:                                                                | 02                        |                            |                                 |            |             |               |      |       |           |             |
| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b> |                           |                            |                                 |            |             |               |      |       |           |             |
| Code                                                                          | Description               | L/B                        | Units                           | Unit Price | Yr Bilt     | Cond. Cd      | % Gd | Grade | Grade Adj | Appr. Value |
| BRN4                                                                          | Barn Lfr/Bsmt             | L                          | 480                             | 27.00      | 1952        | 25            | 10   | 0.00  | 0.00      | 3,200       |
| SHD1                                                                          | Shed - A                  | L                          | 432                             | 18.00      | 1952        | 10            | 10   | 0.00  | 0.00      | 800         |
| SPL4                                                                          | Pool/AG Rnd               | L                          | 24                              | 195.00     | 2000        | 50            | 75   | 0.00  | 0.00      | 2,300       |
| BRN3                                                                          | Barn 1 St w Lf            | L                          | 960                             | 25.00      | 2005        |               |      | 0.00  | 0.00      | 18,000      |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                                      |                           |                            |                                 |            |             |               |      |       |           |             |
| Code                                                                          | Description               | Living Area                | Floor Area                      | Eft Area   | Unit Cost   | Undeprc Value |      |       |           |             |
| BAS                                                                           | First Floor               | 840                        | 840                             | 840        | 174.81      | 146,840       |      |       |           |             |
| FEP                                                                           | Porch, Enclosed, Finished | 0                          | 72                              | 50         | 121.40      | 8,741         |      |       |           |             |
| FHS                                                                           | Half Story, Finished      | 452                        | 696                             | 452        | 113.53      | 79,014        |      |       |           |             |
| FOP                                                                           | Porch, Open, Finished     | 0                          | 18                              | 4          | 38.85       | 699           |      |       |           |             |
| UBM                                                                           | Basement, Unfinished      | 0                          | 696                             | 139        | 34.91       | 24,299        |      |       |           |             |
| WDK                                                                           | Deck, Wood                | 0                          | 394                             | 38         | 17.30       | 6,643         |      |       |           |             |
|                                                                               |                           | 111 Gross Liv / Lease Area | 1,292                           | 2,706      | 1,523       | 5,000.00      |      |       |           |             |
|                                                                               |                           |                            |                                 |            |             | 266,236       |      |       |           |             |



## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:20:54 PM

| Doc#                                                  | Document Type | Town | Book/Page | File Date  | Consideration |
|-------------------------------------------------------|---------------|------|-----------|------------|---------------|
| 21368                                                 | DEED          |      | 42488/182 | 02/29/2008 | 1.00          |
| <b>Property-Street Address and/or Description</b>     |               |      |           |            |               |
| 834 GREEN ST                                          |               |      |           |            |               |
| <b>Grantors</b>                                       |               |      |           |            |               |
| LAJOIE DONALD T JR, LAJOIE DONALD T, JOHNSON RHONDA C |               |      |           |            |               |
| <b>Grantees</b>                                       |               |      |           |            |               |
| LAJOIE DONALD T JR                                    |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b>   |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b>   |               |      |           |            |               |





Bk: 42488 Pg: 182  
Page: 1 of 2 02/29/2008 02:20 PM

### Deed

We, Donald T. Lajoie, Jr. a/k/a Donald T. Lajoie and Rhonda C. Johnson,  
of Gardner, Worcester County, Massachusetts,  
for consideration paid, and in full consideration of

Less Than One Dollar  
(\$1.00)

Grant to

Donald T. Lajoie, Jr., individually, of 834 Green St., Gardner, Worcester County,  
Massachusetts

*With Quitclaim Covenants*

A certain tract of land with the buildings thereon, situated in the northerly part of Gardner, it being a part of the John Eaton Farm, so-called, and being bounded and described as follows:

BEGINNING at a stake and stones at a corner of land now or formerly of Frank S. Learned and on the southerly side of the road leading from Gardner to Winchendon;

THENCE by said road North 33° West, 49 rods and 2 links to a wall;

THENCE South 15° West, 75 rods and 18 links to a stake and stones in the end of the wall;

THENCE by land now or formerly of Charles Eaton South 74 1/4° East, 55 rods and 12 links to a stake and stones;

THENCE again by said Eaton land North 15 3/4° East, 3 rods and 3 links to a stake and stones at corner of land now or formerly of Frank S. Learned;

THENCE by said Learned land North 40 3/4° West, 33 rods and 21 links to a stake and stones;

THENCE again by said Learned land North 39 1/4° East, 23 rods and 13 links to the place of beginning.

Containing 14 acres, more or less.

ALSO another tract of land lying in the northerly part of Gardner, it being also part of the John Eaton Farm, so called, and being bounded and described as follows:

BEGINNING at a stone monument on land of Charles Eaton and on the southerly side of the road leading from Gardner to Winchendon;

Property: 834 Green Street, Gardner, Massachusetts

zk

THENCE by the southerly line of said road North 33° West, 25 rods and 19 links to a stake and stones;

THENCE South 39 1/2° West, 23 rods and 13 links to a stake and stones;

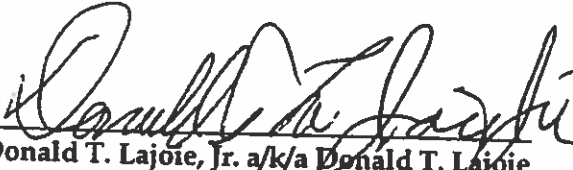
THENCE South 40 3/4° East, 33 rods and 21 links to a stake and stones on the line of the aforesaid Eaton land;

THENCE by said Eaton land North 15 3/4°, 22 rods and 14 links to the place of beginning.

EXCEPTING from the above described premises so much thereof as has been taken for highway purposes under two instruments of taking, recorded on October 30, 1936 and February 3, 1939 in Book 2679, Page 584 and Book 2739, Page 13 respectively and a highway taking by the Commonwealth of Massachusetts dated May 10, 1972 and recorded with Worcester District Registry of Deeds at Book 5222, Page 477.

Being the same premises conveyed to Grantors by deed from Donald T. Lajoie, Jr. a/k/a Donald T. Lajoie dated May 11, 2006 recorded with said Deeds at Book 38986, Page 328.

Witness our hands and seals this 25<sup>th</sup> day of February 2008.


  
Donald T. Lajoie, Jr. a/k/a Donald T. Lajoie

  
Rhonda C. Johnson

Commonwealth of Massachusetts

Worcester, ss

On this 25 day of February 2008 before me, the undersigned notary public, personally appeared Donald J. Lajoie, Jr. a/k/a Donald T. Lajoie and Rhonda C. Johnson, proved to me through satisfactory evidence of identification, which were MA DF U.C., the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

  
\_\_\_\_\_

Notary Public  
My Commission Exp:



DAVID R. ROCHEFORT  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
10-10-2011

ATTEST: WORC. Anthony J. Vigliotti, Register

**Parcel ID:**

R37-16-27

**Address:**

131 Eaton St

**Owner:**

City of Gardner

**Other:**

Municipal Driving Range and Wooded lot

|                        |  |                 |  |                  |  |                  |  |                 |  |                           |  |
|------------------------|--|-----------------|--|------------------|--|------------------|--|-----------------|--|---------------------------|--|
| <b>CURRENT OWNER</b>   |  | <b>TOPO</b>     |  | <b>UTILITIES</b> |  | <b>STRT/ROAD</b> |  | <b>LOCATION</b> |  | <b>CURRENT ASSESSMENT</b> |  |
| CITY OF GARDNER        |  |                 |  |                  |  |                  |  |                 |  | Code Appraised Assessed   |  |
| GOLF COURSE            |  |                 |  |                  |  |                  |  |                 |  | 9300 214,600 214,600      |  |
| 95 PLEASANT ST STE 125 |  |                 |  |                  |  |                  |  |                 |  | 9300 32,900 32,900        |  |
| GARDNER MA 01440       |  | All Pict ID     |  | EXM LAND         |  | EXEMPT           |  |                 |  | 316                       |  |
|                        |  | Sub-Div         |  |                  |  |                  |  |                 |  | GARDNER, MA               |  |
|                        |  | Photo           |  |                  |  |                  |  |                 |  | <b>VISION</b>             |  |
|                        |  | Ward            |  |                  |  |                  |  |                 |  |                           |  |
|                        |  | Prec.           |  |                  |  |                  |  |                 |  |                           |  |
| GIS ID                 |  | M_159625_928014 |  | Assoc Pict#      |  |                  |  |                 |  |                           |  |

|                            |  |                    |  |                  |  |           |  |           |  |                   |  |           |  |
|----------------------------|--|--------------------|--|------------------|--|-----------|--|-----------|--|-------------------|--|-----------|--|
| <b>RECORD OF OWNERSHIP</b> |  | <b>BK-VOL/PAGE</b> |  | <b>SALE DATE</b> |  | <b>QU</b> |  | <b>VI</b> |  | <b>SALE PRICE</b> |  | <b>VC</b> |  |
| CITY OF GARDNER            |  | 14013 0338         |  | 03-04-1992       |  | U         |  | V         |  | 218,208           |  | 1E        |  |
|                            |  | Total              |  | 0.00             |  |           |  |           |  | Total             |  | 247,500   |  |

|                   |      |                          |        |
|-------------------|------|--------------------------|--------|
| <b>EXEMPTIONS</b> |      | <b>OTHER ASSESSMENTS</b> |        |
| Year              | Code | Description              | Amount |
| 2023              | 9300 |                          |        |
|                   | 9300 |                          |        |
| Total             |      | 247,500                  |        |

|                               |         |
|-------------------------------|---------|
| <b>ASSESSING NEIGHBORHOOD</b> |         |
| Nbhd                          | B       |
| 0001                          | Tracing |
| <b>NOTES</b>                  |         |
| DRIVING RANGE                 |         |
| PRACTICE GREEN=CF2            |         |

|                                |         |
|--------------------------------|---------|
| <b>APPRaised VALUE SUMMARY</b> |         |
| Appraised Bldg Value (Card)    | 0       |
| Appraised X1 (B) Value (Bldg)  | 0       |
| Appraised Ob (B) Value (Bldg)  | 32,900  |
| Appraised Land Value (Bldg)    | 214,600 |
| Special Land Value             | 0       |
| Total Appraised Parcel Value   | 247,500 |

|                               |            |                               |              |
|-------------------------------|------------|-------------------------------|--------------|
| <b>BUILDING PERMIT RECORD</b> |            | <b>VISIT / CHANGE HISTORY</b> |              |
| Permit Id                     | Issue Date | Type                          | Description  |
| 10-405                        | 03-19-2010 | 21                            | Cert Inspect |
|                               |            |                               | Insp Date    |
|                               |            |                               | % Comp       |
|                               |            |                               | Date Comp    |
|                               |            |                               | Comments     |
|                               |            |                               | 100          |
| Total Appraised Parcel Value  |            | 247,500                       |              |

|                                    |          |                   |      |                         |            |            |           |            |       |       |  |
|------------------------------------|----------|-------------------|------|-------------------------|------------|------------|-----------|------------|-------|-------|--|
| <b>LAND LINE VALUATION SECTION</b> |          |                   |      |                         |            |            |           |            |       |       |  |
| B                                  | Use Code | Description       | Zone | Land Type               | Land Units | Unit Price | Size Adj. | Site Index | Cond. | Nbhd. |  |
| 1                                  | 9300     | City of Gardner V | R2   |                         | 43,560 SF  | 1.39       | 1.00000   | A          | 1.00  | C1    |  |
| 1                                  | 9300     | City of Gardner V | R2   |                         | 65,000 AC  | 4,000.00   | 1.00000   | 0          | 0.75  |       |  |
| Total Card Land Units              |          | 66,000 AC         |      | Parcel Total Land Area: |            | 166,000    |           |            |       |       |  |

|                      |            |
|----------------------|------------|
| <b>ADJ UNIT PRIC</b> |            |
| Adj Unit Pric        | Land Value |
| 0                    | 60,500     |
| 0                    | 154,100    |
| Total Land Value     |            |
| 214,600              |            |

(This signature acknowledges a visit by a Data Collector or Assessor)

Property Location  
Vision ID 4579

Map ID R371 16/ 271 / 1

Account #

Blgd Name  
Sec # 1 of 1

Card # 1 of 1

Blgd # 1

State Use 9300  
Print Date 1/5/2023 7:48:17 PM

**CONSTRUCTION DETAIL (CONTINUED)**

| Element                                                                                                                                                                                                                                                                                                                                                                 | Cd                       | Description            | Element | Cd          | Description   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------|---------|-------------|---------------|
| Style:<br>Model<br>Grade:<br>Stories:<br>Occupancy<br>Exterior Wall 1<br>Exterior Wall 2<br>Roof Structure:<br>Roof Cover<br>Interior Wall 1<br>Interior Wall 2<br>Interior Fir 1<br>Interior Fir 2<br>Heat Fuel<br>Heat Type:<br>AC Type:<br>Total Bedrooms<br>Total Bthrms:<br>Total Half Baths<br>Total Xtra Fixtrs<br>Total Rooms:<br>Bath Style:<br>Kitchen Style: | 94<br>00                 | Outbuildings<br>Vacant |         |             |               |
| <b>MIXED USE</b>                                                                                                                                                                                                                                                                                                                                                        |                          |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Code                     | Description            | Code    | Description | Percentage    |
|                                                                                                                                                                                                                                                                                                                                                                         | 9300                     | City of Gardner V      |         |             | 100<br>0<br>0 |
| <b>COST / MARKET VALUATION</b>                                                                                                                                                                                                                                                                                                                                          |                          |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | RCN                      |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Year Built               |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Effective Year Built     |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Depreciation Code        |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Remodel Rating           |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Year Remodeled           |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Depreciation %           |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Functional Obsol         |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Economic Obsol           |                        |         |             | 1             |
|                                                                                                                                                                                                                                                                                                                                                                         | Trend Factor             |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Condition                |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Condition %              |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Percent Good             |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | RCNLD                    |                        |         |             | 0             |
|                                                                                                                                                                                                                                                                                                                                                                         | Dep % Ovr                |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Dep Ovr Comment          |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Misc Imp Ovr             |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Misc Imp Ovr Comment     |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Cost to Cure Ovr         |                        |         |             |               |
|                                                                                                                                                                                                                                                                                                                                                                         | Cost to Cure Ovr Comment |                        |         |             |               |

**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

| Code | Description  | L/B | Units  | Unit Price | Yr Bld | Cond. | % Gd | Grade | Grade Adj | Appr. Value |
|------|--------------|-----|--------|------------|--------|-------|------|-------|-----------|-------------|
| MSC2 | DRIVING RAN  | L   | 1      | 22000.00   | 1996   |       | 100  |       | 0.00      | 22,000      |
| SHD2 | Shed - G     | L   | 192    | 20.00      | 1996   |       | 50   |       | 0.00      | 1,900       |
| PAV1 | Paving Aspha | L   | 10,000 | 1.80       | 1996   |       | 50   |       | 0.00      | 9,000       |

**BUILDING SUB-AREA SUMMARY SECTION**

| Code | Description                | Living Area | Floor Area | Elf Area | Unit Cost | Undeprac Value |
|------|----------------------------|-------------|------------|----------|-----------|----------------|
|      | Ttl Gross Liv / Lease Area | 0           | 0          | 0        | 0         | 0              |



No Sketch

## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:23:51 PM

| Doc#                                                | Document Type | Town | Book/Page | File Date  | Consideration |
|-----------------------------------------------------|---------------|------|-----------|------------|---------------|
| 24284                                               | DEED          |      | 14013/338 | 03/04/1992 | 218208.00     |
| <b>Property-Street Address and/or Description</b>   |               |      |           |            |               |
| EATON ST & GREEN ST-RTE 140                         |               |      |           |            |               |
| <b>Grantors</b>                                     |               |      |           |            |               |
| DENMAN JOHN W, DENMAN GEORGIA O                     |               |      |           |            |               |
| <b>Grantees</b>                                     |               |      |           |            |               |
| GARDNER CITY OF                                     |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b> |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |               |      |           |            |               |



WE, JOHN W. DENMAN and GEORGIA O. DENMAN, both  
of Saint Ansgar, Iowa

County: Massachusetts

being purchased, for consideration paid, and in full consideration of TWO HUNDRED EIGHTEEN  
THOUSAND TWO HUNDRED EIGHT and 22/100THS (\$218,208.22)-----

grant to CITY OF GARDNER, a municipal corporation,  
95 Pleasant Street

X

of Gardner, Massachusetts 01440

with quitclaim covenants

thereunto:

[Description and encumbrances, if any]

A certain parcel of land situated on the northerly side of  
Eaton Street and the westerly side of Green Street, Route 140, in  
the northerly part of Gardner, Worcester County, Massachusetts,  
bounded and described as follows:

Beginning at the most northerly corner thereof at a point in  
the westerly line of Green Street, Route 140, at a corner of land  
of Donald T. Lajoie;

Thence S. 46 11' 30" E., about 200 feet to a point of  
curvature;

Thence SOUTHERLY, by a curve to the right having a radius of  
1962.20 feet, a distance of 1449.43 feet to a point of tangency;

Thence S. 3 52' 08" E., 742.80 feet to a point of curvature;

Thence SOUTHERLY, by a curve to the left having a radius of  
5789.58 feet, a distance of about 115 feet to a point in the  
westerly line of the former (1939), layout of Green Street, the  
preceding four courses being by the present line of Green Street,  
Route 140, as laid out in 1972 under taking recorded with Worcester  
District Registry of Deeds, Book 5222, Page 477, Plan Book 364,  
Plan 16, on a "true" datum, whereas the remaining courses herein  
are on a "magnetic" datum;

Thence S. 19 21' W., by the "old" line of Green Street, under  
taking recorded with said Deeds, Book 2739, Page 13, Plan Book 107,  
Plan 36, about 55 feet to the beginning of a curve that rounds the  
northwesterly intersection of the westerly line of Green Street and  
the northerly line of Eaton Street;

Thence SOUTHERLY, SOUTHWESTERLY, and WESTERLY by a curve to  
the right having a radius of 45.28 feet, a distance of 70.14 feet  
to a point of tangency in the northerly line of Eaton Street;

Thence WESTERLY, by the northerly line of Eaton Street, about  
1263 feet to a stone wall at land of Albert P. and Laura E.  
Zlotnik;

Thence N. 16 03' E., about 391 feet;

Thence N. 81 27' W., 537.8 feet to a corner of stone walls,  
the preceding two courses being by a stone wall and by said Zlotnik  
land;

Thence N. 19 09' E., partly by a stone wall, by said Zlotnik  
land and land of the New England Power Company, 1584.3 feet to a  
corner of land of the aforementioned Donald T. Lajoie;

Thence S. 71 23' E. 919 feet;

Thence N. 18 53' E., about 400 feet to the point of beginning  
in the westerly line of Green Street, the preceding two courses  
being by said Lajoie land.

The about described premises are conveyed subject to easements  
as set forth in the following instruments if and to the extent that  
the same are still in force and effect, and not intending to  
reimpose the same.

Charles Eaton and Sarah M. Eaton to the Connecticut River  
Power Co. dated January 3, 1908 and recorded in Worcester District  
Registry of Deeds, Book 1883, Page 304;

Charles Eaton and Sarah M. Eaton to Connecticut River  
Transmission Co. dated May 3, 1909 and recorded in Book 1904, Page  
199;

George A. Keyworth and Sarah E. Keyworth to New England Power  
Co. dated February 11, 1930 and recorded in Book 2515, Page 377;

George Keyworth and Sarah E. Keyworth to New England Power Co.  
dated September 5, 1919 and recorded in Book 2193, Page 77;

To New England Power Company recorded in Book 2799, Page 345,  
and drainage and slope easements in connection with the  
construction and relocation of Green Street, Route 140, under said  
taking recorded in Book 5222, Page 477 (denman).

File # 3 50 PM '92

PROPERTY ADDRESS:-  
Eaton Street  
Gardner, Massachusetts

BOOK 14013 PAGE 339

Herbert E. Brooks et ux to New England Tel. and Tel. Company and Massachusetts Electric Company dated May 1, 1964 and recorded in Book 4638, Page 160.

Excepting from the above described premises the following parcel of land, with the buildings thereon, situated on the northerly side of Eaton Street and the westerly side of Green Street in Gardner, Worcester County, Massachusetts, bounded and described as follows:

Beginning at the northeasterly corner thereof, at a point in the westerly line of Green Street, at a corner of other land of John W. & Georgia O. Denman, said point being located S 3-52'08"E along said street, line a distance of 300.00 feet from a granite bound at a point of curvature in said street line; thence S 03-52'-08"E. 442.80 feet to a granite bound at a point of curvature; thence southerly by a curve to the left, having a radius of 5789.58 feet, an arc length of 114.72 feet to a point that is not tangent; S 2-08'43"W, 55.97 feet to a point of curvature of a curve that rounds the northwesterly intersection of the westerly line of Green Street with the northerly line of Eaton Street, the preceding three courses being by the said line of Green Street; thence southwestwardly and westerly, by said intersection, by a curve to the right having a radius of 45.28 feet, an arc length of 70.14 feet to a point of tangency in the northerly line of Eaton Street; thence N 89-06'17"W, 203.39 feet to a granite bound; thence N 89-52'01"W, 331.07 feet to a point on a stone wall; thence N 78-44'16"W, 43.16 feet; thence N 73-26'02"W, 31.37 feet to a drill hole at a corner of stone walls at other land of the first mentioned John W. & Georgia O. Denman, the preceding two courses being by a stone wall and the preceding four courses being by the said line of Eaton Street; thence N 2-29'51"W, 392.61 feet; thence N 6-34'40"W, 117.87 feet; thence N 17-18'36"W, 36.79 feet, the preceding three courses being by a stone wall; thence N 82-12'59"E, 663.80 feet to a point in the westerly line of Green Street and the point of beginning, the preceding four courses being by said Denman land. Containing 9.113 acres.

Subject, however to a Slope & Drain Easement, known as "Parcel 7-DS-3" according to the 1972 State Highway Layout No. 6004, for Green Street. Said Easement is situated at the northeasterly corner of the above described premises.

Being shown on a plan entitled: "Plan of Land of John W. & Georgia O. Denman in Gardner, (Worcester County), Massachusetts, Scale: 1 inch = 60 feet--February 26, 1992, Szoc Surveyors, 32 Pleasant St., Gardner, MA-01440-" to be recorded herewith\*\*

Meaning and intending to convey a portion of the premises described in a deed from Stephan A. Brooks, Executor, to grantors, dated December 18, 1981, and recorded in the Worcester District Registry of Deeds in Book 7286, Page 129.

\*and Parcel 7-D-1-C

\*\*in Plan Book 656, Plan 110.

REC-14013 PAGE 340

Witness . . . hand s and seal s this 29th day of February 19 92

*John W. Denman*  
JOHN W. DENMAN  
*Georgia O. Denman*  
Georgia O. Denman

1992  
FEB 29 1992  
CLERK OF COURSE

STATE OF IOWA

~~Notary Public for the State of Iowa~~

CLARKE ss. February 29, 19 92

Then personally appeared the above named John W. Denman and Georgia O. Denman

and acknowledged the foregoing instrument to be their free act and deed, before me

*Laura C. Schultz*  
Notary Public - IOWA

My commission expires 12-9-94



CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

ATTEST: WORC., Anthony J. Vigliotti, Register

**Parcel ID:**

M37-01-02

**Address:**

No Formal Address

**Owner:**

GAAMHA, Inc.

**Other:**

Current use protected under the Dover  
Amendment, MGL c.40A, §3- Exempt from  
Zoning

**CURRENT ASSESSMENT**  
 Code 9510 Appraised 4,600 Assessed 4,600  
 Description EXM LAND  
 316  
 GARDNER, MA  
**VISION**

**RECORD OF OWNERSHIP**

| GIS ID                       | M_159678_928472 | Assoc Pld# |
|------------------------------|-----------------|------------|
| GAAMHA INC                   | 66317 109       | 10-18-2021 |
| LEBLANC THOMAS R.            | 66315 188       | 10-18-2021 |
| ROSEBLATT DEBORAH M          | 52256 0217      | 04-28-2014 |
| LEBLANC NOELLA M             | 50612 0069      | 03-20-2013 |
| LEBLANC LEONARD J & NOELLA M | 11675 0044      | 10-12-1988 |

**EXEMPTIONS**

| Year  | Code | Description | Amount | Code | Description | Number | Amount | Comm Int |
|-------|------|-------------|--------|------|-------------|--------|--------|----------|
|       |      |             |        |      |             |        |        |          |
| Total |      |             | 0.00   |      |             |        |        |          |

**ASSESSING NEIGHBORHOOD**

| Nbhd | 0001 | Nbhd Name | B | Tracing | Batch |
|------|------|-----------|---|---------|-------|
|      |      |           |   |         |       |

**OTHER ASSESSMENTS**

| Year  | Code | Description | Year  | Code | Description | Year  | Code | Description | Year  | Code | Description |       |
|-------|------|-------------|-------|------|-------------|-------|------|-------------|-------|------|-------------|-------|
| 2023  | 9510 | 1320        | 2022  | 1320 | 3,500       | 2021  | 1320 | 3,000       |       |      |             |       |
| Total |      |             | Total |      | 4,600       | Total |      | 3,500       | Total |      |             | 3,000 |

This signature acknowledges a visit by a Data Collector or Assessor

**APPRAISED VALUE SUMMARY**

|                               |       |
|-------------------------------|-------|
| Appraised Bldg. Value (Card)  | 0     |
| Appraised X1 (B) Value (Bldg) | 0     |
| Appraised Ob (B) Value (Bldg) | 0     |
| Appraised Land Value (Bldg)   | 4,600 |
| Special Land Value            | 0     |
| Total Appraised Parcel Value  | 4,600 |

**BUILDING PERMIT RECORD**

| Permit Id | Issue Date | Type | Description | Amount | Insp Date | % Comp | Date Comp | Comments |
|-----------|------------|------|-------------|--------|-----------|--------|-----------|----------|
|           |            |      |             |        |           |        |           |          |

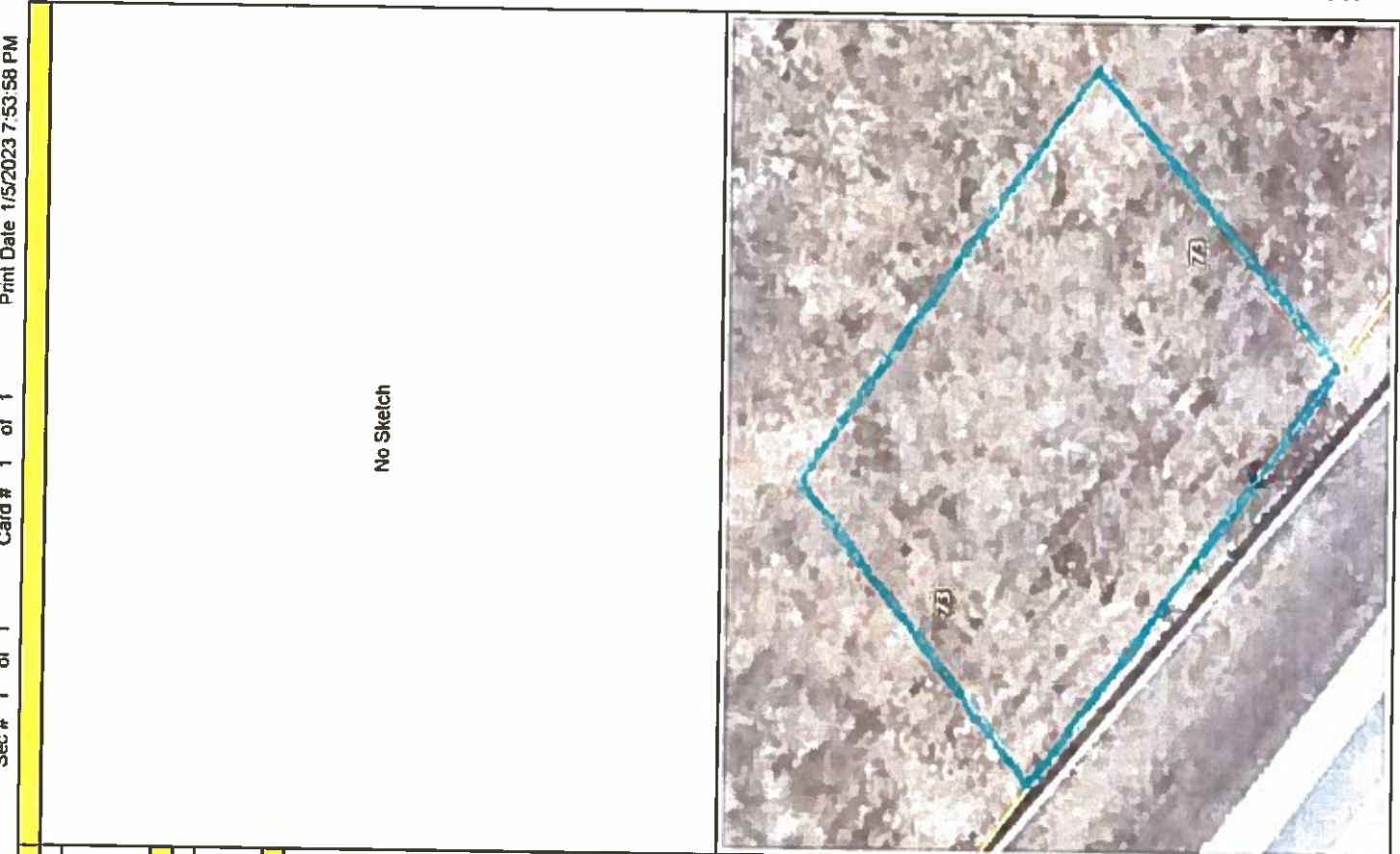
**LAND LINE VALUATION SECTION**

| B Use Code            | Description  | Zone | Land Type | Land Units | Unit Price                   | Size Adj. | Site Index | Cond. | Nbhd. | Nbhd. Adj | Notes |
|-----------------------|--------------|------|-----------|------------|------------------------------|-----------|------------|-------|-------|-----------|-------|
| 1                     | Char Other V | R2   |           | 10,000 SF  | 5.14                         | 0.75000   | 4          | 0.10  |       | 1.000     |       |
| Total Card Land Units |              |      |           | 0.23 AC    | Parcel Total Land Area: 0.23 |           |            |       |       |           |       |

**VISIT / CHANGE HISTORY**

| Date       | id | Type | Is | Cd | Purpose/Result |
|------------|----|------|----|----|----------------|
| 08-10-2022 | CK |      |    | 22 | Vacant Parcel  |
| 08-19-1981 | 11 |      |    | 20 | MLS Listing    |

**Total Appraised Parcel Value** 4,600



No Sketch

| CONSTRUCTION DETAIL                                                |             | CONSTRUCTION DETAIL (CONTINUED) |             |            |           |                |    |      |       |           |             |
|--------------------------------------------------------------------|-------------|---------------------------------|-------------|------------|-----------|----------------|----|------|-------|-----------|-------------|
| Element                                                            | Description | Element                         | Description |            |           |                |    |      |       |           |             |
| 99                                                                 | Vacant Land |                                 |             |            |           |                |    |      |       |           |             |
| 00                                                                 | Vacant      |                                 |             |            |           |                |    |      |       |           |             |
| Style:                                                             |             | MIXED USE                       |             |            |           |                |    |      |       |           |             |
| Model:                                                             |             | Description                     |             |            |           |                |    |      |       |           |             |
| Grade:                                                             |             | Percentage                      |             |            |           |                |    |      |       |           |             |
| Occupancy:                                                         |             | 100                             |             |            |           |                |    |      |       |           |             |
| Exterior Wall 1                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Exterior Wall 2                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Roof Structure:                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Roof Cover:                                                        |             | 0                               |             |            |           |                |    |      |       |           |             |
| Interior Wall 1                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Interior Wall 2                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Interior Fir 1                                                     |             | 0                               |             |            |           |                |    |      |       |           |             |
| Interior Fir 2                                                     |             | 0                               |             |            |           |                |    |      |       |           |             |
| Heat Fuel:                                                         |             | 0                               |             |            |           |                |    |      |       |           |             |
| Heat Type:                                                         |             | 0                               |             |            |           |                |    |      |       |           |             |
| AC Type:                                                           |             | 0                               |             |            |           |                |    |      |       |           |             |
| Total Bedrooms:                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Total Blthms:                                                      |             | 0                               |             |            |           |                |    |      |       |           |             |
| Total Half Baths:                                                  |             | 0                               |             |            |           |                |    |      |       |           |             |
| Total Xtra Fixtrs:                                                 |             | 0                               |             |            |           |                |    |      |       |           |             |
| Total Rooms:                                                       |             | 1                               |             |            |           |                |    |      |       |           |             |
| Bath Style:                                                        |             | 0                               |             |            |           |                |    |      |       |           |             |
| Kitchen Style:                                                     |             | 0                               |             |            |           |                |    |      |       |           |             |
| Year Built:                                                        |             | 0                               |             |            |           |                |    |      |       |           |             |
| Effective Year Built:                                              |             | 0                               |             |            |           |                |    |      |       |           |             |
| Depreciation Code:                                                 |             | 0                               |             |            |           |                |    |      |       |           |             |
| Remodel Rating:                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Year Remodeled:                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Deprecation %:                                                     |             | 0                               |             |            |           |                |    |      |       |           |             |
| Functional Obsol:                                                  |             | 0                               |             |            |           |                |    |      |       |           |             |
| Economic Obsol:                                                    |             | 0                               |             |            |           |                |    |      |       |           |             |
| Trend Factor:                                                      |             | 1                               |             |            |           |                |    |      |       |           |             |
| Condition %:                                                       |             | 0                               |             |            |           |                |    |      |       |           |             |
| Percent Good:                                                      |             | 0                               |             |            |           |                |    |      |       |           |             |
| RCNLD:                                                             |             | 0                               |             |            |           |                |    |      |       |           |             |
| Dep % Ovr:                                                         |             | 0                               |             |            |           |                |    |      |       |           |             |
| Dep Ovr Comment:                                                   |             |                                 |             |            |           |                |    |      |       |           |             |
| Misc Imp Ovr:                                                      |             |                                 |             |            |           |                |    |      |       |           |             |
| Misc Imp Ovr Comment:                                              |             |                                 |             |            |           |                |    |      |       |           |             |
| Cost to Cure Ovr:                                                  |             |                                 |             |            |           |                |    |      |       |           |             |
| Cost to Cure Ovr Comment:                                          |             |                                 |             |            |           |                |    |      |       |           |             |
| OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B) |             |                                 |             |            |           |                |    |      |       |           |             |
| Code                                                               | Description | L/B                             | Units       | Unit Price | Yr Bilt   | Cond.          | Cd | % Gd | Grade | Grade Adj | Appr. Value |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                           |             |                                 |             |            |           |                |    |      |       |           |             |
| Description                                                        |             | Living Area                     | Floor Area  | Elf Area   | Unit Cost | Undeprec Value |    |      |       |           |             |
|                                                                    |             | 0                               | 0           | 0          | 0         | 0              |    |      |       |           |             |
| II Gross Liv / Lease Area                                          |             | 0                               | 0           | 0          | 0         |                |    |      |       |           |             |



## Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:37:43 PM

| Doc#                                                                                                   | Document Type | Town | Book/Page | File Date  | Consideration |
|--------------------------------------------------------------------------------------------------------|---------------|------|-----------|------------|---------------|
| 146123                                                                                                 | DEED          |      | 66317/109 | 10/18/2021 | 100.00        |
| <b>Property-Street Address and/or Description</b>                                                      |               |      |           |            |               |
| WINCHENDON RD                                                                                          |               |      |           |            |               |
| <b>Grantors</b>                                                                                        |               |      |           |            |               |
| LEBLANC THOMAS R, ROSENBLATT DEBORAH M, MCAVOY JOANN M, LEBLANC STEVEN J, MCAVOY ROBERT, LEBLANC LINDA |               |      |           |            |               |
| <b>Grantees</b>                                                                                        |               |      |           |            |               |
| GAAMHA INC                                                                                             |               |      |           |            |               |
| <b>References-Book/Pg Description Recorded Year</b>                                                    |               |      |           |            |               |
| 66315/188 DEED 2021                                                                                    |               |      |           |            |               |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b>                                                    |               |      |           |            |               |

# Worcester South District Registry of Deeds Electronically Recorded Document

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## Recording Information

|                                        |                    |
|----------------------------------------|--------------------|
| Document Number                        | : 146123           |
| Document Type                          | : DEED             |
| Recorded Date                          | : October 18, 2021 |
| Recorded Time                          | : 02:07:25 PM      |
| Recorded Book and Page                 | : 66317 / 109      |
| Number of Pages(including cover sheet) | : 8                |
| Receipt Number                         | : 1388460          |
| Recording Fee (including excise)       | : \$155.00         |

\*\*\*\*\*  
 MASSACHUSETTS EXCISE TAX  
 Worcester District ROD #20 001  
 Date: 10/18/2021 02:07 PM  
 Ctrl# Doc# 00146123  
 Fee: \$.00 Cons: \$100.00  
 \*\*\*\*\*

Worcester South District Registry of Deeds  
 Kathryn A. Toomey, Register  
 90 Front St  
 Worcester, MA 01608  
 (508) 798-7717

## QUITCLAIM DEED

We Thomas R. LeBlanc, being unmarried, of 339 Salisbury Street, Worcester, MA, 01609, Deborah M. Rosenblatt, being unmarried, 125 Cocassett Street, Unit A, Foxboro, MA, 02035, Joann M. McAvoy, being a married person, of 125 Cocassett Street, Unit B, Foxboro, MA, 02035, and Steven J. LeBlanc, being a married person, of 42 Renee Drive, Felton, DE 19943, Grantors

for consideration paid of LESS THAN ONE HUNDRED and 00/100 (\$100.00) DOLLARS, grant to

GAAMHA, Inc., a Massachusetts not for profit corporation, in good standing, with a mailing address of 208 Coleman Street, Gardner, MA, 01440, Grantee

with quitclaim covenants

A certain tract of land situated on the easterly side of the Winchendon Road in said Gardner, Worcester County, Massachusetts, bounded and described as follows:

COMMENCING at an iron pipe 100 feet northwesterly from a stone bound at land of the City of Gardner;

THENCE northwesterly by the easterly line of said highway, 100 feet to an iron pipe;

THENCE at an included angle of 90° northeasterly by other land now or formerly of GAAMHA, Inc., 100 feet to an iron pipe;

THENCE at an included angle of 90° southeasterly 100 feet to an iron pipe;

THENCE at an included angle of 90° southwesterly 100 feet to the place of beginning, the last two courses being by land now or formerly of Francis R. Cosentino.

Excepting from the foregoing premises, however, so much thereof as may have been taken for highway purposes.

Easterly Side of Winchendon Road, Gardner, MA 01440

Grantor(s) hereby releases any and all homestead rights to the premises and certify under the pains and penalties of perjury that there are no other persons entitled to protection of the Homestead Act. The Grantor(s), further state, pursuant to M.G.L. c. 188, § 13, under oath and subject to the pains and penalties of perjury, do hereby depose, state and certify that: (i) that no spouse, non-owner spouse, former spouse, or any other person resides at the home, is entitled to claim the benefit of an existing estate of homestead; and (ii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

The preparer of this Deed has not conducted a title search.

Being the same premises conveyed to us by Deed of Deborah M. Rosenblatt, Trustee under the Last Will and Testament of Noella M. LeBlanc, Docket No. WO132966EA, dated August, 23, 2021, recorded in the Worcester South District Registry of Deeds in Book 66315, Page 188.

**THE REMAINDER OF THIS PAGE IS BLANK**

**SIGNATURES TO FOLLOW**

Executed as a sealed instrument this 28<sup>th</sup> day of August, 2021.

*Thomas R. LeBlanc*

Thomas R. LeBlanc

Deborah M. Rosenblatt

Joann M. McAvoy

Steven J. LeBlanc

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 28<sup>th</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was MA Drivers License (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

*David Breton*

Notary Public:  
My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this \_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.

Executed as a sealed instrument this 23 day of August, 2021.

\_\_\_\_\_  
Thomas R. LeBlanc

Deborah M. Rosenblatt  
Deborah M. Rosenblatt

Joann M. McAvoy  
Joann M. McAvoy

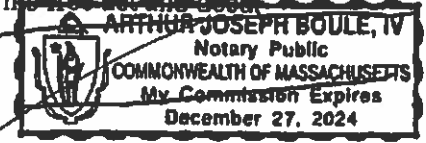
\_\_\_\_\_  
Steven J. LeBlanc

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this 23 day of August, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed before me.

Arthur Joseph Boule, IV  
\_\_\_\_\_  
Notary Public



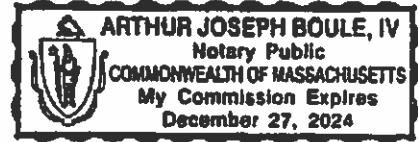
Notary Public:  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 23 day of August, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was mail (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.





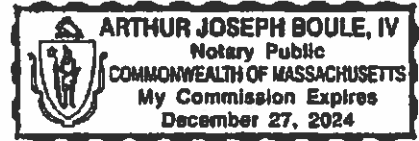
Arthur J. Boule IV

Notary Public: Arthur J. Boule IV  
My Commission Expires: 12/27/24

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 23 day of August, 2021, before me, the undersigned notary public, personally appeared Joann M. McAvoy, proved to me through satisfactory evidence of identification, which was mid (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.



Arthur J. Boule IV

Notary Public: Arthur J. Boule IV  
My Commission Expires: 12/27/24

I, Robert McAvoy, spouse of Joann M. McAvoy, hereby release all my right, title and interest in Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.

Robert McAvoy

Robert McAvoy

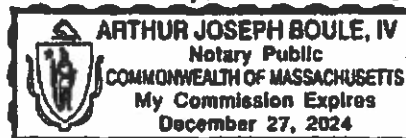
COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On 23 day of August, 2021, before me, the undersigned notary public, personally appeared Robert McAvoy, the above-named and proved to me through satisfactory evidence of identification being mid, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.

Arthur J. Boule IV

Notary Public: Arthur J. Boule IV  
My Commission Expires: 12-27-2024




Executed as a sealed instrument this 31st day of August, 2021.

\_\_\_\_\_  
Thomas R. LeBlanc

\_\_\_\_\_  
Deborah M. Rosenblatt

\_\_\_\_\_  
Joann M. McAvoy

  
\_\_\_\_\_  
Steven J. LeBlanc

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.

STATE OF DELAWARE

Kent, ss

On this 31<sup>st</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Steven J. LeBlanc, proved to me through satisfactory evidence of identification, which was Delaware Driver's License (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

Robin M. Deputy

Notary Public:  
My Commission Expires:



I, Linda LeBlanc, spouse of Steven J. LeBlanc, hereby release all my right, title and interest in Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.

Linda LeBlanc

Linda LeBlanc

STATE OF DELAWARE

Kent, ss

On 31<sup>st</sup> day of August, 2021, before me, the undersigned notary public, personally appeared Linda LeBlanc, the above-named and proved to me through satisfactory evidence of identification being Delaware Driver's License, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.

Robin M. Deputy

Notary Public:

My Commission Expires:



ATTEST: WORC Kathryn A. Toomey, Register

**Parcel ID:**

M47-22-04

**Address:**

No Formal Address


**Owner:**

City of Gardner

**Other:**

Vacant Wooded Lot

| CURRENT OWNER                                                       |                   | UTILITIES              |             | STRTY/ROAD                     |             | LOCATION  |                                | CURRENT ASSESSMENT |            |           |          |             |                  |               |  |
|---------------------------------------------------------------------|-------------------|------------------------|-------------|--------------------------------|-------------|-----------|--------------------------------|--------------------|------------|-----------|----------|-------------|------------------|---------------|--|
| CITY OF GARDNER                                                     |                   | 1 Paved                |             | 2 Suburban                     |             | EXM LAND  |                                | Code 9300          |            |           |          |             |                  |               |  |
| 95 PLEASANT ST STE 125                                              |                   | SUPPLEMENTAL DATA      |             |                                |             |           |                                | Assessed 424,000   |            |           |          |             |                  |               |  |
| GARDNER MA 01440                                                    |                   | GIS ID M_158344_929395 |             | Assoc Pld#                     |             | VISION    |                                | Code 9300          |            |           |          |             |                  |               |  |
|                                                                     |                   | 2701 0009              |             | 07-30-1937                     |             | VC        |                                | Appraised 424,000  |            |           |          |             |                  |               |  |
| CITY OF GARDNER                                                     |                   | 2701 0009              |             | 07-30-1937                     |             | VC        |                                | Assessed 424,000   |            |           |          |             |                  |               |  |
|                                                                     |                   | U                      |             | V                              |             | 0         |                                | 1E                 |            |           |          |             |                  |               |  |
|                                                                     |                   | U                      |             | V                              |             | 0         |                                | 1E                 |            |           |          |             |                  |               |  |
| EXEMPTIONS                                                          |                   | OTHER ASSESSMENTS      |             | PREVIOUS ASSESSMENTS (HISTORY) |             | TOTAL     |                                | TOTAL              |            |           |          |             |                  |               |  |
| Year                                                                | Code              | Description            | Amount      | Code                           | Description | Year      | Code                           | Assessed           | Year       | Code      | Assessed |             |                  |               |  |
|                                                                     |                   |                        | 0.00        |                                |             | 2023      | 9300                           | 424,000            | 2022       | 9300      | 405,600  |             |                  |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    | 2021       | 9300      | 398,000  |             |                  |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Nbhd                                                                |                   | Assessing Neighborhood |             | Tracing                        |             | Batch     |                                | Total              |            | Total     |          |             |                  |               |  |
| 0001                                                                |                   | B                      |             |                                |             |           |                                | 424,000            | 405,600    | 424,000   | 398,000  |             |                  |               |  |
| APPRaised VALUE SUMMARY                                             |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Appraised Bldg. Value (Card)                                        |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Appraised Xf (B) Value (Bldg)                                       |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Appraised Ob (B) Value (Bldg)                                       |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Appraised Land Value (Bldg)                                         |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Special Land Value                                                  |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Total Appraised Parcel Value                                        |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| 424,000                                                             |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| This signature acknowledges a visit by a Data Collector or Assessor |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| BUILDING PERMIT RECORD                                              |                   | VISIT / CHANGE HISTORY |             | TOTAL APPRAISED PARCEL VALUE   |             |           |                                |                    |            |           |          |             |                  |               |  |
| Permit Id                                                           | Issue Date        | Type                   | Description | Amount                         | Insp Date   | % Comp    | Date Comp                      | Comments           | Date       | Id        | Type     | Is          | Cd               | Purpos/Result |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    | 05-25-2022 | CK        |          |             | 22               | Vacant Parcel |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    | 10-20-2008 | PR        |          |             | 99               |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    | 09-15-1995 | RM        |          |             | 00               | Measur+Listed |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    | 06-15-1981 | 79        |          |             | 00               | Measur+Listed |  |
| LAND LINE VALUATION SECTION                                         |                   |                        |             |                                |             |           |                                |                    |            |           |          |             |                  |               |  |
| Use Code                                                            | Description       | Zone                   | Land Type   | Land Units                     | Unit Price  | Size Adj. | Site Index                     | Cond.              | Nbhd.      | Nbhd. Adj | Notes    | Special Use | Adj Unit Pric    | Land Value    |  |
| 1                                                                   | City of Gardner V | R2                     |             | 43,560 SF                      | 1.74        | 1.00000   | 5                              | 1.00               |            | 1,000     |          |             | 0                | 75,900        |  |
| 1                                                                   | City of Gardner V | R2                     |             | 0 FF                           | 0.00        | 1.00000   | 0                              | 1.00               |            | 1,000     |          |             | 0                | 0             |  |
| 1                                                                   | City of Gardner V | R2                     |             | 119,200 AC                     | 4,000.00    | 1.00000   | 0                              | 1.00               |            | 1,000     |          |             | 0                | 348,100       |  |
| Total Card Land Units                                               |                   |                        |             | 120.20 AC                      |             |           | Parcel Total Land Area: 120.20 |                    |            |           |          |             | Total Land Value |               |  |
|                                                                     |                   |                        |             |                                |             |           |                                |                    |            |           |          |             | 424,000          |               |  |

| CONSTRUCTION DETAIL                                                               |                   | CONSTRUCTION DETAIL (CONTINUED) |             |            |           |                |    |      |       |           |             |
|-----------------------------------------------------------------------------------|-------------------|---------------------------------|-------------|------------|-----------|----------------|----|------|-------|-----------|-------------|
| Element                                                                           | Cd                | Element                         | Description |            |           |                |    |      |       |           |             |
| Style: Model                                                                      | 99                | Vacant Land                     |             |            |           |                |    |      |       |           |             |
| Grade:                                                                            | 00                | Vacant                          |             |            |           |                |    |      |       |           |             |
| Stories:                                                                          |                   |                                 |             |            |           |                |    |      |       |           |             |
| Occupancy                                                                         |                   |                                 |             |            |           |                |    |      |       |           |             |
| Exterior Wall 1                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
| Exterior Wall 2                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
| Roof Structure:                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
| Roof Cover:                                                                       |                   |                                 |             |            |           |                |    |      |       |           |             |
| Interior Wall 1                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
| Interior Wall 2                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
| Interior Fir 1                                                                    |                   |                                 |             |            |           |                |    |      |       |           |             |
| Interior Fir 2                                                                    |                   |                                 |             |            |           |                |    |      |       |           |             |
| Heat Fuel                                                                         |                   |                                 |             |            |           |                |    |      |       |           |             |
| Heat Type:                                                                        |                   |                                 |             |            |           |                |    |      |       |           |             |
| AC Type:                                                                          |                   |                                 |             |            |           |                |    |      |       |           |             |
| Total Bedrooms                                                                    |                   |                                 |             |            |           |                |    |      |       |           |             |
| Total Bthrms:                                                                     |                   |                                 |             |            |           |                |    |      |       |           |             |
| Total Half Baths                                                                  |                   |                                 |             |            |           |                |    |      |       |           |             |
| Total Xtra Fxtrs                                                                  |                   |                                 |             |            |           |                |    |      |       |           |             |
| Total Rooms:                                                                      |                   |                                 |             |            |           |                |    |      |       |           |             |
| Bath Style:                                                                       |                   |                                 |             |            |           |                |    |      |       |           |             |
| Kitchen Style:                                                                    |                   |                                 |             |            |           |                |    |      |       |           |             |
| No Sketch                                                                         |                   |                                 |             |            |           |                |    |      |       |           |             |
|  |                   |                                 |             |            |           |                |    |      |       |           |             |
| <b>MIXED USE</b>                                                                  |                   |                                 |             |            |           |                |    |      |       |           |             |
| Code                                                                              | Description       | Percentage                      |             |            |           |                |    |      |       |           |             |
| 9300                                                                              | City of Gardner V | 100                             |             |            |           |                |    |      |       |           |             |
|                                                                                   |                   | 0                               |             |            |           |                |    |      |       |           |             |
|                                                                                   |                   | 0                               |             |            |           |                |    |      |       |           |             |
| <b>COST / MARKET VALUATION</b>                                                    |                   |                                 |             |            |           |                |    |      |       |           |             |
| RCN                                                                               |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Year Built                                                                        |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Effective Year Built                                                              |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Depreciation Code                                                                 |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Remodel Rating                                                                    |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Year Remodeled                                                                    |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Depreciation %                                                                    |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Functional Obsol                                                                  |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Economic Obsol                                                                    |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Trend Factor                                                                      |                   | 1                               |             |            |           |                |    |      |       |           |             |
| Condition                                                                         |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Condition %                                                                       |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Percent Good                                                                      |                   | 0                               |             |            |           |                |    |      |       |           |             |
| RCNLD                                                                             |                   | 0                               |             |            |           |                |    |      |       |           |             |
| Dep % Ovr                                                                         |                   |                                 |             |            |           |                |    |      |       |           |             |
| Misc Imp Ovr                                                                      |                   |                                 |             |            |           |                |    |      |       |           |             |
| Dep Ovr Comment                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
| Misc Imp Ovr Comment                                                              |                   |                                 |             |            |           |                |    |      |       |           |             |
| Cost to Cure Ovr                                                                  |                   |                                 |             |            |           |                |    |      |       |           |             |
| Cost to Cure Ovr Comment                                                          |                   |                                 |             |            |           |                |    |      |       |           |             |
| <b>OB - OUTBUILDING &amp; YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</b>     |                   |                                 |             |            |           |                |    |      |       |           |             |
| Code                                                                              | Description       | L/B                             | Units       | Unit Price | Yr Blt    | Cond.          | Cd | % Gd | Grade | Grade Adj | Appr. Value |
| <b>BUILDING SUB-AREA SUMMARY SECTION</b>                                          |                   |                                 |             |            |           |                |    |      |       |           |             |
| Code                                                                              | Description       | Living Area                     | Floor Area  | Eff Area   | Unit Cost | Undeprac Value |    |      |       |           |             |
|                                                                                   |                   |                                 |             |            |           |                |    |      |       |           |             |
|                                                                                   |                   | Ttl Gross Liv / Lease Area      | 0           | 0          | 0         | 0              |    |      |       |           |             |

**Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report**

Current datetime: 2/7/2023 2:30:39 PM

| <b>Doc#</b>                                         | <b>Document Type</b> | <b>Town</b> | <b>Book/Page</b> | <b>File Date</b> | <b>Consideration</b> |
|-----------------------------------------------------|----------------------|-------------|------------------|------------------|----------------------|
| 0                                                   |                      |             |                  |                  |                      |
| <b>Property-Street Address and/or Description</b>   |                      |             |                  |                  |                      |
| AYER RD                                             |                      |             |                  |                  |                      |
| <b>Grantors</b>                                     |                      |             |                  |                  |                      |
| POUTRY MARTIN D, SHAKER PLACE REALTY TR             |                      |             |                  |                  |                      |
| <b>Grantees</b>                                     |                      |             |                  |                  |                      |
| <b>References-Book/Pg Description Recorded Year</b> |                      |             |                  |                  |                      |
| <b>Registered Land Certificate(s)-Cert# Book/Pg</b> |                      |             |                  |                  |                      |



the mortgagee shall have the statutory power of sale.  
I N W I T N E S S W H E R E O F Elgin, Inc. has hereunto caused its corporate name and seal to be affixed, by Esther Rabinovitz, its Treasurer, thereunto duly authorized, this 30th day of July 1937.

Signed and sealed in the presence of  
Samuel Seder Elgin, Inc. (corporate seal)  
by Esther Rabinovitz Treasurer  
Commonwealth of Massachusetts

Worcester, ss. July 30, 1937. Then personally appeared the above named Esther Rabinovitz and acknowledged the foregoing instrument to be the free act and deed of Elgin, Inc. before me

Samuel Seder Justice of the Peace  
A special meeting of the Stockholders and Directors of Elgin, Inc. was held at the office of Seder & Seder, 307 Slater Bldg., Worcester, Mass. on Friday, July 30, 1937, at 10 o'clock A. M. Present were all the Stockholders and Directors.

On motion duly made and seconded it was V O T E D that the Treasurer of the Corporation, namely Esther Rabinovitz, be authorized to sign, execute and deliver to the People's Savings Bank a mortgage in the sum of \$35,000.00, covering property purchased by the Corporation, said property being situated at 72-80 Chandler Street, Worcester, Mass.

No further business appearing it was voted to adjourn.  
A true copy:

Attest: Philip Rosenberg Clerk  
Rec'd July 30, 1937 at 4h. 31m. P. M. Ent'd & Ex'd

\* \* \* \* \*

I, Harriet G. Heywood, of Gardner, Worcester County, Massachusetts, being unmarried, for consideration paid, grant to City of Gardner, a municipal corporation, in the County of Worcester, Commonwealth of Massachusetts, with W A R R A N T Y covenants. Certain real estate situated in GARDNER, Worcester County, Massachusetts, bounded and described as follows, to wit: Beginning at a stake in the west line of Green Street which is 122.1 feet from a stone monument situated northerly in said westerly line of said Green Street; thence N. 83° 15' W. 140 feet to an angle in the wall; thence N. 77° 15' W. 73 feet to a corner at land of Heirs of Henry Heywood; thence easterly by land of Susan G., Hattie A., Fred and Chas. M. Coolidge 5 rods to an angle; thence easterly by said Coolidges' land 8 rods and 6 links to a stake in the west line of said street; thence northerly by said street line to the place of beginning.

Heywood  
to  
City of Gardner  
1-\$2.00 Stamp  
Cancelled

Also another tract of land adjoining the above described tract and bounded and described as follows: Beginning at the southeast corner thereof at a corner of land formerly owned by Oliver H. Brown and on the west side of Green Street; thence running N. 80 1/4° W. by said Brown land on the wall to a corner of the wall at land of Artemas Cooledge; thence N. 27 1/4° E. by said Cooledge land 7 rods 5 links to a corner; thence N. 78 1/2° E. 5 rods; thence N. 87 1/2° E. 8 rods 6 links to the line of said Green Street; thence southerly by the line of said street to the place of beginning. Containing 5/8 of an acre, more or less.

Being the same premises conveyed to me by Administrator's deed of Daniel H. Parker dated April 20, 1935 and recorded with Worcester District Deeds, Book 2640, Page 356.

Subject to five-twelfths of the taxes due the City of Gardner for the year 1937.

W I T N E S S my hand and seal this 29th day of July 1937.  
Harriet G. Heywood (seal)

The Commonwealth of Massachusetts  
Worcester, ss. Gardner, July 29, 1937. Then personally appeared the above named Harriet G. Heywood, and acknowledged the foregoing instrument to be her free act and deed, before me

M. Alan Moore Justice of the Peace  
My commission expires February 10, 1939  
Rec'd July 30, 1937 at 4h. 32m. P. M. Ent'd & Ex'd

\* \* \* \* \*

Heywood Farm, Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having a usual place of business at Gardner, Worcester County, Massachusetts for consideration paid, grants to the City of Gardner, a municipal corporation, in the County of Worcester, Commonwealth of Massachusetts, with W A R R A N T Y covenants, the land in GARDNER and WINCHENDON, in said County and Commonwealth, bounded and described as follows, to wit:  
Tract 1. A certain tract of land situated in the northerly part of

Heywood Farm, Inc.  
to  
City of Gardner

Property **NOT**  
Included In Zoning  
Change Proposal

**Parcel ID:**

M42-14-03

**Address:**

No Formal Address

**Owner:**

City of Gardner

**Other:**

Gardner City Forrest  
Protected by Article 97 of the  
Massachusetts Constitution

|                          |                  |                    |                 |                                              |
|--------------------------|------------------|--------------------|-----------------|----------------------------------------------|
| <b>CITY OF GARDNER</b>   | <b>UTILITIES</b> | <b>STRT / ROAD</b> | <b>LOCATION</b> | <b>CURRENT ASSESSMENT</b>                    |
| 4 Rolling                | 1 Paved          | 2 Suburban         | EXM LAND        | Code 9300 Appraised 799,700 Assessed 799,700 |
| <b>SUPPLEMENTAL DATA</b> |                  |                    |                 | 316                                          |
| All Parcel ID            |                  |                    |                 | GARDNER, MA                                  |
| Sub-Div                  |                  |                    |                 |                                              |
| Photo                    |                  |                    |                 |                                              |
| Ward                     |                  |                    |                 |                                              |
| Prec.                    |                  |                    |                 |                                              |

|                               |                               |                   |               |
|-------------------------------|-------------------------------|-------------------|---------------|
| <b>95 PLEASANT ST STE 125</b> | <b>GIS ID</b> M_158932_928580 | <b>Assoc Pld#</b> | <b>VISION</b> |
| <b>GARDNER MA 01440</b>       |                               |                   |               |

|                            |                    |                  |           |            |                   |           |
|----------------------------|--------------------|------------------|-----------|------------|-------------------|-----------|
| <b>RECORD OF OWNERSHIP</b> | <b>BK-VOL/PAGE</b> | <b>SALE DATE</b> | <b>QU</b> | <b>V/I</b> | <b>SALE PRICE</b> | <b>VC</b> |
| CITY OF GARDNER            | 1 0                | 01-01-1900       | Q         | V          | 0 00              |           |

|                                                             |                                                          |
|-------------------------------------------------------------|----------------------------------------------------------|
| <b>EXEMPTIONS</b>                                           | <b>OTHER ASSESSMENTS</b>                                 |
| Year Code Description Amount Code Description Number Amount | Year Code Assessed Year Code Assessed Year Code Assessed |
| Total 0.00                                                  | 2023 9300 799,700 2022 9300 781,300 2021 9300 773,700    |

|                                     |                                                                                                                                                                                                                  |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ASSESSING NEIGHBORHOOD</b>       | <b>NOTES</b>                                                                                                                                                                                                     |
| Nbhd 0001 Nbhd Name B Tracing Batch | Appraised Bldg. Value (Card) 799,700<br>Appraised X (B) Value (Bldg) 0<br>Appraised Op (B) Value (Bldg) 0<br>Appraised Land Value (Bldg) 799,700<br>Special Land Value 0<br>Total Appraised Parcel Value 799,700 |

|                                                                                  |                                      |
|----------------------------------------------------------------------------------|--------------------------------------|
| <b>BUILDING PERMIT RECORD</b>                                                    | <b>APPRaised VALUE SUMMARY</b>       |
| Permit Id Issue Date Type Description Amount Insp Date % Comp Date Comp Comments | Total Appraised Parcel Value 799,700 |

|                                                                                                                                                  |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>LAND LINE VALUATION SECTION</b>                                                                                                               | <b>VISIT/CHANGE HISTORY</b>          |
| Use Code Description Zone Land Type Land Units Unit Price Size Adj Site Index Cond. Nbhd. Nbhd. Adj. Notes Special Use Adj Unit Price Land Value | Date Id Type Is Cd Cd Purpose/Result |
| 9300 City of Gardner V R2 43,560 SF 1.74 1.00000 5 1.00 1.000 1.000 Notes                                                                        | 05-25-2022 CK 22 Vacant Parcel       |
| 9300 City of Gardner V R2 0 FF 0.00 1.00000 0 1.00 1.000 1.000                                                                                   | 10-28-2008 JAG 99                    |
| 9300 City of Gardner V R2 312,000 AC 4,000.00 1.00000 0 1.00 1.000 1.000                                                                         | 09-15-1995 RM 00                     |
|                                                                                                                                                  | 06-15-1981 79 00 Measur+Listed       |

|                                      |           |                                        |                                 |
|--------------------------------------|-----------|----------------------------------------|---------------------------------|
| <b>Total Card Land Units</b> 313,000 | <b>AC</b> | <b>Parcel Total Land Area:</b> 313,000 | <b>Total Land Value</b> 799,700 |
|--------------------------------------|-----------|----------------------------------------|---------------------------------|

**CONSTRUCTION DETAIL (CONTINUED)**

| Element            | Cd | Description | Element | Cd | Description |
|--------------------|----|-------------|---------|----|-------------|
| Style: 99          |    | Vacant Land |         |    |             |
| Model: 00          |    |             |         |    |             |
| Grade:             |    |             |         |    |             |
| Stories:           |    |             |         |    |             |
| Occupancy:         |    |             |         |    |             |
| Exterior Wall 1    |    |             |         |    |             |
| Exterior Wall 2    |    |             |         |    |             |
| Roof Structure:    |    |             |         |    |             |
| Roof Cover:        |    |             |         |    |             |
| Interior Wall 1    |    |             |         |    |             |
| Interior Wall 2    |    |             |         |    |             |
| Interior Fir 1     |    |             |         |    |             |
| Interior Fir 2     |    |             |         |    |             |
| Heat Fuel:         |    |             |         |    |             |
| Heat Type:         |    |             |         |    |             |
| AC Type:           |    |             |         |    |             |
| Total Bedrooms:    |    |             |         |    |             |
| Total Bathrooms:   |    |             |         |    |             |
| Total Hall Baths:  |    |             |         |    |             |
| Total Xtra Fixtrs: |    |             |         |    |             |
| Total Rooms:       |    |             |         |    |             |
| Bath Style:        |    |             |         |    |             |
| Kitchen Style:     |    |             |         |    |             |

| MIXED USE |                   | COST / MARKET VALUATION |  |
|-----------|-------------------|-------------------------|--|
| Code      | Description       | Percentage              |  |
| 9300      | City of Gardner V | 100                     |  |
|           |                   | 0                       |  |
|           |                   | 0                       |  |
|           |                   | 0                       |  |

|                          |   |
|--------------------------|---|
| Year Buill               | 0 |
| Effective Year Buill     | 0 |
| Depreciation Code        | 0 |
| Remodel Rating           | 0 |
| Year Remodeled           | 0 |
| Depreciation %           | 0 |
| Functional Obsol         | 0 |
| Economic Obsol           | 0 |
| Trend Factor             | 1 |
| Condition                | 0 |
| Condition %              | 0 |
| Percent Good             | 0 |
| RCMLD                    | 0 |
| Dep % Ovr                | 0 |
| Dep Ovr Comment          |   |
| Misc Imp Ovr             |   |
| Misc Imp Ovr Comment     |   |
| Cost to Cure Ovr         |   |
| Cost to Cure Ovr Comment |   |

**OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)**

| Code | Description | LB | Units | Unit Price | Yr Bkt | Cond. Cd | % Gd | Grade | Grade Adj. | Appr. Value |
|------|-------------|----|-------|------------|--------|----------|------|-------|------------|-------------|
|      |             |    |       |            |        |          |      |       |            |             |

**BUILDING SUB-AREA SUMMARY SECTION**

| Code | Description               | Living Area | Floor Area | Eff Area | Unit Cost | Undeprac Value |
|------|---------------------------|-------------|------------|----------|-----------|----------------|
|      |                           |             |            |          |           |                |
|      | 10 Gross Liv / Lease Area | 0           | 0          | 0        |           | 0              |

No Sketch





**CITY of GARDNER**  
**Office of the City Clerk**  
95 Pleasant Street, Room 121  
Gardner, MA 01440  
\*Tel. 978-630-4058 \*Fax: 978-630-2589

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING

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, March 20, 2023 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 items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to add “Sports Betting” to the Zoning Table of Uses.
- **10893** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to increase the quota allowed by the Code of the City of Gardner

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





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

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February 3, 2023

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

RE: Zoning Ordinance Proposal- Sports Betting Facilities

Dear Madam President and Councilors,

As you are likely aware, on August 10, 2022, former Governor Charlie Baker signed Chapter 173 of the Acts of 2022 into law, legalizing sports betting in the Commonwealth.

This new addition to the General Laws, some parts of which have already taken effect while others will within the next few months, allows for the opening of new facilities across the Commonwealth where individuals can gamble and place wagers on sporting games.

Currently, these types of facilities are not governed by our zoning ordinance, as they were not allowed prior to the passage of this act. The attached ordinance proposal is being presented to help protect the City so that we can regulate where facilities like this can go and make sure that in the event that a facility like this looks to open in Gardner, it locates in a location that fits this use rather than in a largely residential area that could cause disruptions to a neighborhood.

I believe it is in the best interest of the City to be proactive in this matter in order to make sure the City has the tools in place before any situations may arise.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

CC:  
City Council Public Welfare Committee  
Planning Board



**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD "SPORTS BETTING" TO THE ZONING TABLE OF USES.**

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

**SECTION 1:** That Section 210(B) of Chapter 675, entitled "Word Usage and Definitions," be amended by adding the following definition to its list:

Sports Betting Facility – An entity licensed by the Massachusetts Gaming Commission under the provisions of Chapter 173 of the Acts of 2022 of the General Laws to conduct sporting and wagering events.

**SECTION 2:** That Section 54 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

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, or a sports betting facility.

**SECTION 2:** That Section 56 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

56. Public or commercial outdoor amusement or recreation use, or a sports betting facility, but not including outdoor drive-in movie theater.

**SECTION 3:** This this ordinance take effect upon 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

**February 3, 2023**

**The Honorable Michael J. Nicholson, Mayor**  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

**Re: Sports Betting Zoning Ordinance**

**Dear Mayor,**

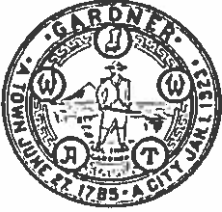
**I have reviewed the proposed addition of the new Sports Betting Ordinance and do not see any issues from the police department. Any proposed facility should have a buffer between any residential zone and this ordinance reflects the new law.**

**If you have any questions, please do not hesitate to contact me.**

**Very truly yours,**

A handwritten signature in black ink, appearing to read "Eric P. McAvene".

**Eric P. McAvene**  
Chief of Police



**City of Gardner**  
Department of Inspectional Services  
115 Pleasant Street, Room 101  
Gardner, MA 01440  
Tel. (978) 630-4007 Fax: (978) 632-3313

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Feb. 7, 2023

RE: Text Amendment

Dear Mr. Mayor,

Please accept this letter as my full support for your proposed text amendment to our Zoning Ordinance regarding sports betting. I believe when new laws are enacted at a state level that a municipalities Zoning must change to reflect the new law, or be forced to react to a potential problem.

Do not hesitate to contact me should you need any further assistance.

Roland Jean  
Building Commissioner/Zoning Enforcement Officer  
City Hall Annex  
115 Pleasant St. RM 101  
Gardner, MA 01440  
(978) 630 4007  
rjean@gardner-ma.gov

**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

*Current Ordinance*

GARDNER CODE

| Description of Use                                                                                                                                                                                                                         | SFR1 | RR2 | GR3 | COM1 | COM2 | IND1 | IND2 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----|-----|------|------|------|------|
|                                                                                                                                                                                                                                            |      |     |     |      |      |      |      |
| 49. Restaurant                                                                                                                                                                                                                             | NP   | SP  | NP  | P    | P    | P    | NP   |
| 50. Restaurant, fast-food, including appurtenant structures to provide drive-through or drive-in services                                                                                                                                  | NP   | NP  | NP  | SP   | SP   | NP   | NP   |
| 51. Restaurant serving food or beverages with live or mechanical entertainment                                                                                                                                                             | NP   | SP  | NP  | SP   | P    | NP   | NP   |
| 52. Wholesale office or showroom, with storage limited to floor samples only                                                                                                                                                               | NP   | NP  | NP  | P    | P    | P    | P    |
| 53. Wholesale office or showroom with storage permitted on property                                                                                                                                                                        | NP   | NP  | NP  | SP   | P    | P    | 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  | NP  | P    | P    | NP   | NP   |
| 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                           | NP   | SP  | NP  | P    | P    | NP   | NP   |
| 56. Public or commercial outdoor amusement or recreation use but not including outdoor drive-in movie theater                                                                                                                              | NP   | NP  | NP  | NP   | P    | P    | NP   |
| 57. Bus station or terminal or railroad station for passengers                                                                                                                                                                             | NP   | NP  | NP  | P    | P    | P    | NP   |
| 58. Transport terminal, warehouse distribution facility                                                                                                                                                                                    | NP   | NP  | NP  | NP   | NP   | P    | P    |
| 59. Contracting business and contractor's yard, including storage in the open'                                                                                                                                                             | NP   | NP  | NP  | NP   | SP   | P    | NP   |



**HOUSE . . . . . No. 5164**

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The Commonwealth of Massachusetts

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The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2862) of the House Bill regulating sports wagering (House, No. 3993), reports recommending passage of the accompanying bill (House, No. 5164). August 1, 2022.

|                     |                      |
|---------------------|----------------------|
| Jerald A. Parisella | Michael J. Rodrigues |
| Aaron Michlewitz    | Eric P. Lesser       |
| David K. Muradian   | Patrick M. O'Connor  |

FILED ON: 8/1/2022

**HOUSE . . . . . No. 5164**

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The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act regulating sports wagering.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking  
2 out clause Tenth, as appearing in the 2020 Official Edition, and inserting in place thereof the  
3 following clause:-

4           Tenth, “Illegal gaming”, a banking or percentage game played with cards, dice, tiles,  
5 dominoes, or an electronic, electrical or mechanical device or machine for money, property,  
6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the  
7 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted  
8 under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering  
9 on horse races under chapters 128A and 128C and greyhound races under said chapter 128C; (v)  
10 a game of bingo conducted under chapter 271; (vi) charitable gaming conducted under said  
11 chapter 271; and (vii) a fantasy contest conducted under section 11M½.

12           SECTION 2. Section 7 of chapter 4 of the General Laws is hereby amended by striking  
13 out clause Tenth, as inserted by section 1, and inserting in place thereof the following clause:-

14 Tenth, “Illegal gaming”, a banking or percentage game played with cards, dice, tiles,  
15 dominoes, or an electronic, electrical or mechanical device or machine for money, property,  
16 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the  
17 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted  
18 under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering  
19 on horse races under chapters 128A and 128C; (v) a game of bingo conducted under chapter 271;  
20 and (vi) charitable gaming conducted under said chapter 271.

21 SECTION 3. Chapter 12 of the General Laws is hereby amended by inserting after  
22 section 11M the following section:-

23 Section 11M½. Notwithstanding sections 24, 24A and 27 of chapter 10, chapter 271 or  
24 any other general or special law to the contrary, a person or entity that offers fantasy contests for  
25 a cash prize to members of the public may offer a fantasy contest to residents of the  
26 commonwealth pursuant to and in accordance with regulations promulgated by the attorney  
27 general; provided further, for the purposes of section 7 of chapter 4, a fantasy contest shall not be  
28 considered illegal gaming. “Fantasy contest” includes any fantasy or simulated game or contest,  
29 including, but not limited to, any fantasy or simulated game or contest based on professional  
30 sports events in which: (i) the value of all prizes and awards offered to winning participants are  
31 established and made known to the participants in advance of the contest; (ii) all winning  
32 outcomes reflect the relative knowledge and skill of the participants and shall be determined  
33 predominantly by accumulated statistical results of the performance of individuals, including  
34 athletes in the case of sports events; and (iii) no winning outcome is based on the score, point  
35 spread, or any performance or performances of any single actual team or combination of such



36 teams or solely on any single performance of an individual athlete or player in any single actual  
37 event.

38 SECTION 4. Section 4 of chapter 23K of the General Laws, as appearing in the 2020  
39 Official Edition, is hereby amended by inserting the following subsection:-

40 (42) regulate and enforce chapter 23N relating to sports wagering.

41 SECTION 5. The General Laws are hereby amended by inserting after chapter 23M the  
42 following chapter:-

43 CHAPTER 23N

44 AUTHORIZATION AND REGULATION OF SPORTS WAGERING

45 Section 1. This chapter shall be known and may be cited as the “Massachusetts Sports  
46 Wagering Act”.

47 Section 2. Notwithstanding any general or special law to the contrary, the operation of  
48 sports wagering and ancillary activities shall be lawful when conducted in accordance with this  
49 chapter and the rules and regulations of the commission.

50 Section 3. As used in this chapter the following words shall, unless the context clearly  
51 requires otherwise, have the following meanings:

52 “Adjusted gross fantasy wagering receipts”, the total gross receipts from fantasy contests  
53 as defined in section 11M1/2 of chapter 12, less only the total of all cash prizes paid to  
54 participants in the fantasy contests; provided, however, that the total of all cash prizes paid to

55 participants shall not include the cash equivalent of any merchandise or thing of value awarded  
56 as a prize.

57 “Adjusted gross sports wagering receipts”, the total gross receipts from sports wagering  
58 less the sum of: (i) the total of all winnings paid to participants; and (ii) all excise taxes paid  
59 pursuant to federal law; provided, however, that the total of all winnings paid to participants  
60 shall not include the cash equivalent of any merchandise or thing of value awarded as a prize.

61 “Affiliate”, a person who directly or indirectly controls, or is controlled by, or is under  
62 common control with, a specified person.

63 “Applicant”, a person who has applied for a license to engage in activity regulated under  
64 this chapter.

65 “Breaks”, the odd cents over any multiple of 10 cents of winnings per \$1 wagered.

66 “Category 1 license”, a license issued by the commission that permits the operation of  
67 sports wagering in person at a gaming establishment, as defined in section 2 of chapter 23K, and  
68 through not more than 2 individually-branded mobile applications or other digital platforms  
69 approved by the commission; provided, that the mobile applications or other digital platforms  
70 shall be qualified for and issued a category 3 license.

71 “Category 2 license”, a license issued by the commission that permits the operation of  
72 sports wagering in-person on the premises where either: (1) live horse racing is conducted in  
73 accordance with chapter 128A or (2) the licensee is authorized by law to conduct simulcast  
74 wagering on horse or greyhound racing, and through not more than 1 individually branded  
75 mobile application or other digital platform approved by the commission; provided, that the

76 mobile applications or other digital platforms shall be qualified for and issued a category 3  
77 license; provided further, that the commission may issue a category 2 license to: (1) a person or  
78 entity licensed by the commission in accordance with said chapter 128A to conduct a live horse  
79 racing meeting, (2) a running horse racing licensee that conducted simulcast wagering as of  
80 December 31, 2020 as authorized by law, or (3) a greyhound meeting licensee that conducted  
81 simulcast wagering as of December 31, 2020 as authorized by law; provided further, a category 2  
82 licensee shall make a capital investment of not less than \$7,500,000 within 3 years after  
83 receiving a sports wagering license.

84 “Category 3 license”, a license issued by the commission that permits the operation of  
85 sports wagering through a mobile application and other digital platforms approved by the  
86 commission.

87 “Close associate”, a person who holds a relevant financial interest in, or is entitled to  
88 exercise power in, the business of an applicant or licensee and, by virtue of that interest or  
89 power, is able to exercise a significant influence over the management or operation of a gaming  
90 establishment or business licensed under this chapter.

91 “Collegiate sport or athletic event”, a sport or athletic event offered or sponsored by, or  
92 played in connection with, a public or private institution that offers educational services beyond  
93 the secondary level.

94 “Collegiate tournament”, a series of collegiate sports or athletic events involving four or  
95 more collegiate teams that make up a single unit of competition.

96 “Commission”, the Massachusetts gaming commission established in section 3 of chapter  
97 23K.

98           “Electronic sports”, a single or multiplayer video game played competitively for  
99 spectators.

100           “Governmental authority”, any governmental unit of a national, state or local body  
101 exercising governmental functions, except the United States government.

102           “License”, any license applied for or issued by the commission under this chapter,  
103 including, but not limited to: (i) an operator license or (ii) an occupational license.

104           “National criminal history background check”, a criminal history background check  
105 conducted using the criminal history record system maintained by the Federal Bureau of  
106 Investigation and based on fingerprint identification or any other method of positive  
107 identification.

108           “Occupational license”, a license required to be held by an employee of an operator when  
109 the employee performs duties directly related to the operation of sports wagering in the  
110 commonwealth in a supervisory role.

111           “Official league data”, statistics, results, outcomes and other data relating to a sporting  
112 event that is obtained pursuant to an agreement with the relevant sports governing body, or with  
113 an entity expressly authorized by the relevant sports governing body to provide such data to  
114 sports wagering operators, which authorizes the use of such data for determining the outcome of  
115 tier 2 sports wagers on such sporting event.

116           “Operator” or “sports wagering operator”, any entity permitted under this chapter to offer  
117 sports wagering to persons in the commonwealth through a category 1 license, category 2 license  
118 or category 3 license.

119 “Operator license”, a category 1 license, category 2 license or category 3 license to  
120 operate sports wagering.

121 “Person”, an individual, corporation, association, operation, firm, partnership, trust or  
122 other form of business association.

123 “Personal biometric data”, any information about an athlete that is derived from that  
124 athlete’s physical or physiological characteristics, including, but not limited to, deoxyribonucleic  
125 acid, heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone  
126 levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density or sleep  
127 patterns.

128 “Players association”, a professional sports association recognized by a sports governing  
129 body that represents professional athletes.

130 “Professional sport or athletic event”, an event at which 2 or more persons participate in a  
131 sport or athletic event and receive compensation in excess of actual expenses for their  
132 participation in such event.

133 “Promotional gaming credit”, a sports wagering credit or other item issued by an operator  
134 to a patron to enable the placement of a sports wager.

135 “Qualified gaming entity”, an entity that: (i) holds a gaming license as defined in section  
136 2 of chapter 23K; (ii) (a) is licensed by the commission in accordance with chapter 128A to  
137 conduct a live horse racing meeting, (b) is a running horse racing licensee that conducted  
138 simulcast wagering as of December 31, 2020 as authorized by law or (c) is a greyhound meeting  
139 licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; or

140 (iii) offers an interactive sports wagering platform through a mobile application or other digital  
141 platform.

142 “Sports event” or “sporting event”, a professional sport or athletic event, collegiate sport  
143 or athletic event, a collegiate tournament, motor race event, electronic sports event or other event  
144 authorized by the commission under this chapter; provided, however, that “sporting event” shall  
145 not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic  
146 event involving 1 or more collegiate teams from the commonwealth unless they are involved in a  
147 collegiate tournament.

148 “Sports governing body”, an organization that is headquartered in the United States and  
149 prescribes final rules and enforces codes of conduct with respect to a sporting event and  
150 participants therein; provided, however, that, notwithstanding the foregoing, the commission  
151 shall adopt regulations to determine the governing body for electronic sports for the purposes of  
152 this chapter.

153 “Sports wager”, a wager on a sporting event or a portion of a sporting event.

154 “Sports wagering”, the business of accepting wagers on sporting events or portions of  
155 sporting events, other events, the individual performance statistics of athletes in a sporting event  
156 or other events or a combination of any of the same by any system or method of wagering  
157 approved by the commission including, but not limited to, mobile applications and other digital  
158 platforms; provided, that sports wagering shall not include the acceptance of any wager: (i) with  
159 an outcome dependent on the performance of an individual athlete in any collegiate sport or  
160 athletic event, including, but not limited, to in-game or in-play wagers; (ii) on a high school or  
161 youth sporting event; (iii) on injuries, penalties, player discipline or replay review; and provided

162 further, that sports wagering shall not include fantasy contests as defined in section 11M½ of  
163 chapter 12. Sports wagering shall include, but shall not be limited to, single-game bets, teaser  
164 bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets,  
165 proposition bets and straight bets.

166 “Sports wagering account”, a financial record established by an operator for a patron in  
167 which the patron may deposit by any method approved by the commission and withdraw funds  
168 for sports wagering and other authorized purchases and to which the operator may credit  
169 winnings or other amounts due to or authorized by that patron; provided, however, that such  
170 account may be established and funded by the patron electronically through an approved mobile  
171 application or digital platform; and provided further, that a deposit into a sports wagering  
172 account shall not be made using a credit card.

173 “Tier 1 sports wager”, a sports wager that is determined solely by the final score or  
174 outcome of a sporting event and is placed before the sporting event has begun.

175 “Tier 2 sports wager”, a sports wager that is not a tier 1 sports wager.

176 “Wager”, a sum of money or thing of value risked on an uncertain occurrence.

177 Section 4. (a) The commission shall regulate the conduct of sports wagering under this  
178 chapter.

179 (b) The commission shall promulgate rules and regulations necessary for the  
180 implementation, administration and enforcement of this chapter. The commission may  
181 promulgate emergency rules and regulations in accordance with applicable procedures for the  
182 promulgation of emergency rules and regulations.



183           (c) The commission shall promulgate regulations to prohibit: (i) the purchase or other use  
184 of any personal biometric data of an athlete for sports wagering or aiding a patron in placing a  
185 wager with sports wagering operators; and (ii) the following advertising, marketing and branding  
186 activities: (A) advertisements, marketing and branding in such a manner that it is deceptive,  
187 false, misleading, or untrue, or tends to deceive or create a misleading impression whether  
188 directly, or by ambiguity or omission; (B) use of unsolicited pop-up advertisements on the  
189 internet or by text message directed to an individual on the list of self-excluded persons  
190 established pursuant to paragraph (2) of subsection (e) of section 13; (C) any form of advertising,  
191 marketing or branding that the commission deems unacceptable or disruptive to the viewer  
192 experience at a sports event; (D) advertising, marketing and branding deemed to appeal directly  
193 to a person younger than 21 years old; and (E) advertising on any billboards, or any other public  
194 signage, which fails to comply with any federal, state or local law.

195           (d)(1) The commission may promulgate rules and regulations including, but not limited  
196 to, those governing the acceptance of wagers on a sports event, other event or a series of sports  
197 events; types of wagering receipts which may be used; methods of issuing receipts; methods of  
198 accounting to be used by operators; types of records to be kept; types of systems for wagering;  
199 and any other sports wagering-related issues.

200           (2) The commission shall promulgate rules and regulations regarding protections for  
201 patrons placing wagers and the promotion of social responsibility and responsible gaming that  
202 shall include, but not be limited to, a requirement that an operator: (i) implement responsible  
203 gaming programs that include comprehensive employee trainings on responding to  
204 circumstances in which individuals present signs of gambling addiction; (ii) assess, prevent and  
205 address problem gaming by an operator's consumers; (iii) permit a consumer to permanently

206 close an account registered to the consumer on any or all platforms owned or operated by the  
207 operator at any time and for any reason; (iv) offer consumers access to their account history and  
208 account details; (v) refrain from making claims as to a consumer's winnings or money earned  
209 that is not net of wagers placed; (vi) allow a consumer to withdraw funds without further  
210 solicitation or promotion in the manner in which the funds were deposited; (vii) annually submit  
211 a problem gaming plan for approval by the commission, in consultation with the department of  
212 public health, that includes the objectives of and timetables for implementing the plan,  
213 identification of the persons responsible for implementing and maintaining the plan, procedures  
214 for identifying consumers with suspected or known problem gaming behavior, procedures for  
215 providing information to consumers concerning problem gaming identification and resources,  
216 procedures to prevent gaming by minors and self-excluded persons and any other information the  
217 commission may require; and (viii) shall not offer or provide a line of credit to any consumer.

218 (3) The commission shall promulgate regulations that require mobile applications and  
219 digital platforms authorized for sports wagering to prominently display upon each entry into the  
220 application or platform the telephone number and website for a problem gambling hotline  
221 overseen by the department of public health.

222 (e) The commission shall: (i) determine the eligibility of a person to hold or continue to  
223 hold a license; (ii) issue all licenses; and (iii) maintain a record of all licenses issued under this  
224 chapter.

225 (f) The commission shall levy and collect all fees, surcharges, civil penalties and taxes on  
226 adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided  
227 under this chapter.

228           (g) The commission shall have the authority to enforce this chapter and any rule or  
229 regulation of the commission and may request that the attorney general bring an action to enforce  
230 this chapter or any rule or regulation of the commission by civil action or petition for injunctive  
231 relief.

232           (h) The commission may hold hearings, administer oaths and issue subpoenas or  
233 subpoenas duces tecum in order to enforce this chapter and the rules and regulations of the  
234 commission.

235           (i) The commission may exercise any other powers necessary to effectuate this chapter  
236 and the rules and regulations of the commission.

237           Section 5. (a) A person shall not engage in any activity in connection with sports  
238 wagering in the commonwealth unless all required licenses have been obtained in accordance  
239 with this chapter and the rules and regulations of the commission.

240           (b) The commission shall not grant an operator license until it determines that each  
241 person who has control of the applicant meets all qualifications for licensure. For the purposes of  
242 this chapter, the following shall be considered to have control of an applicant: (i) a person who  
243 owns 10 per cent or more of a corporate applicant and who has the ability to control the activities  
244 of the corporate applicant; provided, however, that a bank or other licensed lending institution  
245 that holds a mortgage or other lien acquired in the ordinary course of business shall not be  
246 considered to have control of an applicant; (ii) a person who holds a beneficial or proprietary  
247 interest of 10 per cent or more of a non-corporate applicant's business operation and who has the  
248 ability to control the activities of the non-corporate applicant; and (iii) at the commission's

249 discretion, an executive, employee or agent having the power to exercise significant influence  
250 over decisions concerning the applicant's sports wagering operations in the commonwealth.

251 (c) A person having control of an applicant pursuant to subsection (b) shall submit to the  
252 commission an application in a form determined by the commission. Each such person who is a  
253 natural person shall also submit to the commission: (i) fingerprints for a national criminal records  
254 check by the department of state police and the Federal Bureau of Investigation; and (ii) a signed  
255 authorization for the release of the person's information by the department of state police and the  
256 Federal Bureau of Investigation; provided, however, that a person having control of an applicant  
257 who is a natural person that has submitted to a national criminal records check in any jurisdiction  
258 within the previous year shall not be required to submit to another national criminal records  
259 check if such person submits to the commission the results of such previous national criminal  
260 records check. Any applicant convicted of any disqualifying offense, as determined by the  
261 commission, shall not be licensed.

262 (d) Each person licensed under this chapter shall give the commission written notice not  
263 more than 30 days after any change to any material information provided in the application for a  
264 license or renewal.

265 (e) A commission employee shall not be an applicant for any license issued under this  
266 chapter.

267 Section 6. (a) A licensed qualified gaming entity may operate sports wagering upon the  
268 approval of the commission.

269 (b)(1) The commission shall issue a category 1 license to any holder of a gaming license,  
270 as defined in section 2 of chapter 23K, that meets the requirements of this chapter and the rules

271 and regulations of the commission; provided, however, that any holder of a category 1 license  
272 shall not be issued a category 2 license.

273 (2) The commission shall issue a category 2 license to: (i) any holder of a license to  
274 conduct a live horse racing meeting in accordance with chapter 128A; (ii) a running horse racing  
275 licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; or  
276 (iii) a greyhound meeting licensee that conducted simulcast wagering as of December 31, 2020  
277 as authorized by law; that meets the requirements of this chapter and the rules and regulations of  
278 the commission; provided, however, that any holder of a category 2 license shall not be issued a  
279 category 1 license; and provided further, that no more than 1 category 2 license shall be issued to  
280 any 1 person, entity, or affiliate or close associate of such person or entity.

281 (3) The commission may issue a category 3 license to any entity that offers sports  
282 wagering through a mobile application or other digital platform that meets the requirements of  
283 this chapter and the rules and regulations of the commission; provided, however, the commission  
284 shall issue no more than 7 category 3 licenses that are not connected to a category 1 or category  
285 2 license.

286 (4) A category 1 or category 2 licensee may enter into agreements related to mobile or  
287 digital sports wagering with a category 3 licensee pursuant to the approval of the commission.  
288 Nothing in this chapter shall require a category 3 licensee to partner with or have any  
289 commercial relationship with a category 1 or 2 licensee.

290 (c)(1) A qualified gaming entity may submit to the commission a request for a temporary  
291 license for the immediate commencement of sports wagering operations. Such request shall  
292 include an initial licensing fee of \$1,000,000 payable to the commission.

293           (2) Upon receiving a request for a temporary license, the executive director of the  
294 commission shall review the request. If the executive director determines that the entity  
295 requesting the temporary license is a qualified gaming entity and has paid the sports wagering  
296 initial licensing fee pursuant to paragraph (1), the commission shall authorize the qualified  
297 gaming entity to conduct sports wagering for a period of 1 year under a temporary license or  
298 until a final determination on its operator license application is made.

299           (3) All sports wagering conducted under authority of a temporary license shall comply  
300 with the house rules adopted under section 10.

301           (d) Prior to issuing an operator license, the commission shall commence an investigation  
302 into the suitability of the applicant. The commission may use information obtained from the  
303 applicant pursuant to chapter 23K, chapter 128A, chapter 128C, or information from other  
304 jurisdictions where the applicant is authorized to conduct sports wagering. In evaluating the  
305 suitability of the applicant, the commission shall consider the overall reputation of the applicant  
306 including, but not limited to: (i) the integrity, honesty, good character and reputation of the  
307 applicant; (ii) the financial stability, integrity and background of the applicant; (iii) the business  
308 practices and the business ability of the applicant to establish and maintain a successful sports  
309 wagering operation; (iv) whether the applicant has a history of compliance with gaming or sports  
310 wagering licensing requirements in other jurisdictions; (v) whether the applicant, at the time of  
311 application, is a defendant in litigation involving its business practices; and (vi) the suitability of  
312 all parties in interest to the license, including affiliates and close associates, and the financial  
313 resources of the applicant.

314 (c) The commission may deny an application, if the commission determines during its  
315 investigation that an applicant has failed to: (i) establish the applicant's integrity or the integrity  
316 of any affiliate, close associate, financial resources or any person required to be qualified by the  
317 commission; (ii) demonstrate responsible business practices in any jurisdiction; or (iii) overcome  
318 any other reason, as determined by the commission, as to why it would be injurious to the  
319 interests of the commonwealth to award the applicant an operator license.

320 (f) Upon application by a qualified gaming entity that is not denied pursuant to subsection  
321 (e) and payment of a \$5,000,000 licensing fee, the commission shall grant an operator license to  
322 a qualified gaming entity that provides the right to conduct sports wagering; provided, that the  
323 qualified gaming entity shall meet the requirements for licensure under this chapter and the rules  
324 and regulations of the commission. Such license shall be issued for a 5-year period, and may be  
325 renewed for 5-year periods upon payment of a \$5,000,000 renewal fee; provided, that the  
326 operator shall continue to meet all requirements under this chapter and the rules and regulations  
327 of the commission. The commission shall credit any initial licensing fee paid pursuant to  
328 paragraph (1) of subsection (c) to a successful applicant for an operator license against the  
329 licensing fee due under this subsection.

330 (g) An operator shall submit to the commission such documentation or information as the  
331 commission may require to demonstrate that the operator continues to meet the requirements of  
332 this chapter and the rules and regulations of the commission. An operator shall submit required  
333 documentation or information no later than 5 years after issuance of its operator license and  
334 every 5 years thereafter, or within lesser periods based on circumstances specified by the  
335 commission.



336 (h) No licensee shall transfer an operator license, or any direct or indirect interest in the  
337 license, without the majority approval of the commission. A person seeking to acquire such  
338 license through a transfer shall qualify and otherwise be determined by the commission to be  
339 eligible for licensure under this chapter. The commission may reject a proposed license transfer  
340 or a proposed transfer of interest in the license to an unsuitable person and may reject a proposed  
341 transfer that, in the determination of the commission, would be injurious to the interests of the  
342 commonwealth. The commission may promulgate regulations governing this process which may  
343 include assessment of a fee to reflect the cost associated with reviewing the proposed transfer.

344 (i) Applications for operator licenses shall be public records under section 10 of chapter  
345 66; provided however, that trade secrets, competitively-sensitive or other proprietary information  
346 provided in the course of an application for an operator license under this chapter, the disclosure  
347 of which would place the applicant at a competitive disadvantage, may be withheld from  
348 disclosure under said section 10 of said chapter 66.

349 Section 7. (a) An applicant for an operator license shall pay to the commission a  
350 nonrefundable processing fee of \$200,000 for the costs associated with the processing of the  
351 application and investigation of the applicant; provided, however, that if the costs of the  
352 investigation exceed the initial application fee, the applicant shall pay the additional amount to  
353 the commission not more than 30 days after notification of insufficient fees or the application  
354 shall be rejected.

355 (b) All fees in this section shall be deposited into the Sports Wagering Control Fund  
356 established in section 14.

357 Section 8. Section 8. (a) All persons employed by an operator to perform duties directly  
358 related to the operation of sports wagering in the commonwealth in a supervisory role shall  
359 maintain a valid occupational license issued by the commission. The commission shall issue such  
360 occupational license to a person who meets the requirements of this section.

361 (b) An occupational license authorizes the licensee to be employed in the capacity  
362 designated by the commission while the license is active. The commission may establish, by rule  
363 or regulation, job classifications with different requirements based on the extent to which a  
364 particular job impacts, or has the potential to impact, the lawful operation of sports wagering.

365 (c) An applicant for an occupational license shall submit any required application forms  
366 established by the commission and shall pay a nonrefundable application fee of \$100. An  
367 employer may pay an application fee on behalf of an applicant.

368 (d) Not later than March 1 of the third calendar year following the issuance or renewal of  
369 an occupational license, an occupational license holder shall pay a nonrefundable license renewal  
370 fee of \$100 and submit a renewal application on a form established by the commission. An  
371 employer may pay the license renewal fee on behalf of the licensed employee.

372 Section 9. Section 9. (a) The commission may deny a license to any applicant, reprimand  
373 any licensee or suspend or revoke a license if the applicant or licensee: (i) has knowingly made a  
374 false statement of a material fact to the commission; (ii) has had a license revoked by any  
375 governmental authority responsible for regulation of gaming activities; (iii) has been convicted  
376 of a felony or other crime involving embezzlement, theft, fraud, perjury, or a gambling-related  
377 offense; (iv) has not demonstrated to the satisfaction of the commission financial responsibility  
378 sufficient to adequately meet the requirements of the proposed enterprise; (v) has affiliates or

379 close associates that would not qualify for a license or whose relationship with the applicant may  
380 pose an injurious threat to the interests of the commonwealth in awarding an operator license to  
381 the applicant; or (vi) in the case of an operator or an applicant for an operator license, is not the  
382 true owner of the business or is not the sole owner and has not disclosed the existence or identity  
383 of other persons who have an ownership interest in the business.

384 (b) The commission may deny, suspend or revoke an operator license or reprimand any  
385 licensee if the applicant or licensee has not met the requirements of this chapter.

386 Section 10. (a) An operator shall adopt comprehensive house rules for game play  
387 governing sports wagering transactions with the operator's patrons. The house rules shall specify  
388 the amounts to be paid on winning wagers and the effect of sports event schedule changes. An  
389 operator shall not conduct sports wagering until the commission has approved the house rules  
390 and an operator shall not conduct sports wagering in a manner inconsistent with approved house  
391 rules.

392 (b) The house rules, together with any other information the commission deems  
393 appropriate, shall be accessible to any patrons of the sports wagering operator. The operator shall  
394 make copies readily available to patrons and shall post the house rules as required by the  
395 commission, including on a prominent place on the operator's public website and mobile  
396 application or other digital platform.

397 Section 11. (a) An operator shall employ commercially reasonable methods to: (i)  
398 prohibit the operator, directors, officers, owners and employees of the operator and any relative  
399 living in the same household as any such person from placing bets with the operator; (ii) prohibit  
400 athletes, coaches, referees, team owners, employees of a sports governing body or its member

401 teams and player and referee union personnel from wagering on any sporting event of their  
402 sport's governing body; provided, however, that the operator shall use lists of such persons that a  
403 sports governing body may provide to the commission to determine which persons are excluded  
404 from placing wagers under this subsection; and provided further, that the commission may use  
405 the list of barred employees from the operator and may work directly with a member team to  
406 determine the risk posed by certain employees for obtaining nonpublic confidential information  
407 on a sporting event and may remove an employee without knowledge of team strategy or game  
408 operations from such a list if the commission determines any such risk is de minimis; (iii)  
409 prohibit any individual with access to nonpublic confidential information held by the operator  
410 from placing wagers with the operator; (iv) prohibit persons from placing wagers as agents or  
411 proxies for others; and (v) maintain the security of wagering data, customer data and other  
412 confidential information from unauthorized access and dissemination; provided, however, that  
413 nothing in this chapter shall preclude the use of internet or cloud-based hosting of such data and  
414 information or disclosure as required by court order, other law or this chapter; and provided  
415 further, that such data and information shall be hosted in the United States.

416 (b) A sports governing body or players association representing athletes who participate  
417 in sporting events of the sports governing body may submit to the commission, in writing, by  
418 providing notice in a form and manner as the commission may require, a request to restrict, limit  
419 or exclude a certain type, form or category of sports wagering with respect to sporting events of  
420 the sports governing body, if the sports governing body or players association believes that such  
421 type, form or category of sports wagering with respect to sporting events of the sports governing  
422 body: (i) is contrary to public policy; (ii) unfair to consumers; (iii) may undermine the perceived  
423 integrity of the sports governing body, sporting events of the sports governing body or the

424 athletes participating therein; or (iv) affects the integrity of the sports governing body or sporting  
425 events of the sports governing body or the athletes participating therein.

426         The commission shall request comment from operators on all such requests. After giving  
427 due consideration to all comments received, the commission shall, upon a demonstration of good  
428 cause from the requestor, grant the request. The commission shall respond to a request  
429 concerning a particular event before the start of the event or, if it is not feasible to respond before  
430 the start of the event, not later than 7 days after the request is made; provided, however, that if  
431 the commission determines that the requestor is more likely than not to prevail in successfully  
432 demonstrating good cause for its request, the commission may provisionally grant the request  
433 until the commission makes a final determination as to whether the requestor has demonstrated  
434 good cause. Absent a provisional grant by the commission, an operator may continue to offer  
435 sports wagering on sporting events that are the subject of a request during the pendency of the  
436 consideration of the applicable request.

437         (c) The commission shall designate a state law enforcement entity to have primary  
438 responsibility for conducting, or assisting the commission in conducting, investigations into  
439 abnormal betting activity, match fixing and other conduct that corrupts a betting outcome of a  
440 sporting event for purposes of financial gain.

441         (d) The commission and operators shall use commercially reasonable efforts to cooperate  
442 with investigations conducted by sports governing bodies or law enforcement agencies,  
443 including, but not limited to, using commercially reasonable efforts to provide or facilitate the  
444 provision of anonymized account-level betting information and audio or video files relating to  
445 persons placing wagers. All disclosures under this section are subject to the obligation of an

446 operator to comply with all federal, state and local laws and regulations, including, but not  
447 limited to, laws and regulations relating to privacy and personally identifiable information.

448 (e) An operator shall immediately report to the commission any information relating to:

449 (i) criminal or disciplinary proceedings commenced against the operator in connection with its  
450 operations; (ii) abnormal betting activity or patterns that may indicate a concern with the  
451 integrity of a sporting event; (iii) any potential breach of the internal rules and codes of conduct  
452 pertaining to sports wagering of a relevant sports governing body; (iv) any other conduct that  
453 corrupts a betting outcome of a sporting event for purposes of financial gain, including, but not  
454 limited to, match fixing; or (v) suspicious or illegal wagering activities, including, but not limited  
455 to: (A) use of funds derived from illegal activity; (B) wagers to conceal or launder funds derived  
456 from illegal activity; (C) use of agents to place wagers; and (D) use of false identification. An  
457 operator shall immediately report information relating to conduct described in clauses (ii), (iii)  
458 and (iv) of this subsection to the relevant sports governing body.

459 (f) The commission and operators shall maintain the confidentiality of information  
460 provided by a sports governing body for purposes of investigating or preventing the conduct  
461 described in clauses (ii), (iii) and (iv) of subsection (e), unless disclosure is required by this  
462 chapter, the commission, other law or court order or unless the sports governing body consents to  
463 disclosure.

464 (g) With respect to any information provided by an operator to a sports governing body  
465 relating to conduct described in clauses (ii), (iii) and (iv) of subsection (e), a sports governing  
466 body shall: (i) only use such information for integrity purposes and shall not use the information  
467 for any commercial or other purpose; and (ii) maintain the confidentiality of such information,

468 unless disclosure is required by this chapter, the commission, other law or court order or unless  
469 the operator consents to disclosure; provided, however, that the sports governing body may make  
470 any disclosure necessary to conduct and resolve integrity-related investigations and may publicly  
471 disclose such information if required by its integrity policies or if deemed by the sports  
472 governing body in its reasonable judgment to be necessary to maintain the actual or perceived  
473 integrity of its sporting events, and subject in all cases to the sports governing body's compliance  
474 with federal, state and local laws and regulations, including, but not limited to, laws and  
475 regulations relating to privacy and personally identifiable information; and provided further, that  
476 prior to any such public disclosure that would identify the operator by name, the sports  
477 governing body shall provide the operator with notice of such disclosure and an opportunity to  
478 object to such disclosure.

479 (h) An operator shall maintain records of all wagers placed by its patrons, including: (i)  
480 personally identifiable information of a patron who places a sports wager through a mobile  
481 application or other digital platform or a patron who places an in-person sports wager that  
482 exceeds an amount determined by the commission; (ii) amount and type of the bet; (iii) the time  
483 the bet was placed; (iv) the location of the bet, including the Internet Protocol address if  
484 applicable; (v) the outcome of the bet; and (vi) records of abnormal betting activity for 3 years  
485 after a sporting event occurs and video camera recordings in the case of in-person wagers for at  
486 least 1 year after a sporting event occurs. An operator shall make these records available for  
487 inspection upon request of the commission or as required by court order.

488 (i) An operator shall use commercially reasonable efforts to maintain, in real time and at  
489 the account level, anonymized information for each patron, including: (i) the amount and type of  
490 bet; (ii) the time the bet was placed; (iii) the location of the bet, including the Internet Protocol



491 address if applicable; (iv) the outcome of the bet; and (v) records of abnormal betting activity.  
492 The commission may request the information in the form and manner as it requires. Nothing in  
493 this section shall require an operator to provide any information prohibited by federal, state or  
494 local laws or regulations, including, but not limited to, laws and regulations relating to privacy  
495 and personally identifiable information.

496 (j) If a sports governing body has notified the commission and demonstrated a need for  
497 access to the information described in subsection (i) for wagers placed on sporting events of the  
498 sports governing body for integrity monitoring purposes and demonstrated the capability to use  
499 the data for the purpose of effectively monitoring the integrity of sporting events of the sports  
500 governing body, an operator shall share, in a commercially reasonable frequency, form and  
501 manner, with the sports governing body or its designee the same information the operator is  
502 required to maintain pursuant to said subsection (i) with respect to sports wagers on sporting  
503 events of the sports governing body. A sports governing body and its designee shall only use  
504 information received pursuant to this section for integrity-monitoring purposes and shall not use  
505 information received pursuant to this section for any commercial or other purpose. Nothing in  
506 this section shall require an operator to provide any information that is prohibited by federal,  
507 state or local law or regulation, including, but not limited to, laws and regulations relating to  
508 privacy and personally identifiable information.

509 (k)(1) An operator shall conduct a background check on each newly hired employee.  
510 Background checks shall search for criminal history, charges or convictions involving corruption  
511 or manipulation of sporting events and association with organized crime.

512           (2) An operator shall conduct a single background check on any employee hired before  
513 the operator was issued an operator license. Background checks shall search for criminal history,  
514 charges or convictions involving corruption or manipulation of sporting events and association  
515 with organized crime.

516           Section 12. (a) An operator shall: (i) employ a monitoring system utilizing software to  
517 identify irregularities in volume or changes in odds that could signal suspicious activities and  
518 promptly report such information to the commission for further investigation; provided,  
519 however, that system requirements and specifications shall be developed according to industry  
520 standards and implemented by the commission as part of the minimum internal control  
521 standards; (ii) promptly report to the commission any facts or circumstances related to the  
522 operation of a sports wagering license that constitute a violation of state or federal law and  
523 promptly report to the appropriate state or federal authorities any suspicious betting over a  
524 threshold set by the operator that has been approved by the commission; (iii) conduct all sports  
525 wagering activities and functions in a manner that does not pose a threat to the public health,  
526 safety or welfare of the residents of the commonwealth; (iv) keep current in all payments and  
527 obligations to the commission; (v) prevent any person from tampering or interfering with the  
528 operation of any sports wagering; (vi) ensure that mobile sports wagering occurs only using a  
529 commission-approved mobile application or other digital platform to accept wagers initiated  
530 within the commonwealth; (vii) maintain sufficient cash and other supplies to conduct sports  
531 wagering at all times; (viii) maintain daily records showing the gross sports wagering receipts  
532 and adjusted gross sports wagering receipts of the operator from sports wagering; (ix) timely file  
533 with the commission any additional reports required by this chapter or by any rule or regulation;

534 and (x) use commercially reasonable efforts to prevent a person under 21 years old from placing  
535 a wager.

536 (b) Sports wagering operators may use any data source for determining:

537 (1) the results of any and all tier 1 sports wagers on any and all sporting events; and

538 (2) the results of any and all tier 2 sports wagers on sporting events of an organization  
539 that is not headquartered in the United States.

540 (c) A sports governing body may notify the commission that it desires sports wagering  
541 operators to use official league data to settle tier 2 sports wagers on sporting events of such  
542 sports governing body. The notification shall be made in the form and manner as the commission  
543 may require. Within 5 days of receipt of the notification, the commission shall notify each sports  
544 wagering operator of the requirement to use official league data to settle tier 2 sports wagers. If a  
545 sports governing body does not notify the commission of its desire to supply official league data,  
546 a sports wagering operator may use any data source for determining the results of any and all tier  
547 2 sports wagers on sporting events of the sports governing body.

548 (d) Within 60 days of the commission notifying a sport wagering operator of the  
549 requirement to use official league data to settle tier 2 sports wagers pursuant to subsection (c), or  
550 such longer period as may be agreed between the sports governing body and the applicable  
551 sports wagering operator, a sports wagering operator shall use only official league data to  
552 determine the results of tier 2 sports wagers on sporting events of that sports governing body,  
553 unless:

554 (1) the sports governing body or its designee cannot provide a feed of official league data  
555 to determine the results of a particular type of tier 2 sports wager, in which case a sports  
556 wagering operator may use any data source for determining the results of the applicable tier 2  
557 sports wager until such time a data feed becomes available from the sports governing body on  
558 commercially reasonable terms and conditions; or

559 (2) a sports wagering operator can demonstrate to the commission that the sports  
560 governing body or its designee will not provide a feed of official league data to the sports  
561 wagering operator on commercially reasonable terms and conditions.

562 (e) In evaluating whether official league data is offered on commercially reasonable  
563 terms and conditions for purposes of paragraphs (1) and (2) of subsection (d), the commission  
564 may consider factors, including, but not limited to:

565 (1) the availability of official league data to a sports wagering operator from more than 1  
566 authorized source;

567 (2) market information, including, but not limited to, price and other terms and conditions  
568 regarding the purchase by sports wagering operators of comparable data for the purpose of  
569 settling sports wagers in the commonwealth and other jurisdictions;

570 (3) the nature and quantity of data, including the quality and complexity of the process  
571 used for collecting the data; and

572 (4) the extent to which a sports governing body or its designee has made data used to  
573 settle tier 2 wagers available to sports wagering operators and any terms and conditions relating  
574 to the use of that data.

575 (f) Notwithstanding subsection (d) or any provision of this subsection to the contrary,  
576 during the pendency of the determination of the commission as to whether a sports governing  
577 body or its designee may provide official league data on commercially reasonable terms, a sports  
578 wagering operator may use any data source to determine the results of tier 2 sports wagers. The  
579 determination shall be made within 120 days of the sports wagering operator notifying the  
580 commission that it requests to demonstrate that the sports governing body or its designee will not  
581 provide a feed of official league data to the sports wagering operator on commercially reasonable  
582 terms.

583 (g) A sports governing body may enter into commercial agreements with a sports  
584 wagering operator or other entity in which such sports governing body may share in the amount  
585 wagered or revenues derived from sports wagering on sporting events of the sports governing  
586 body. A sports governing body shall not be required to obtain a license or any other approval  
587 from the commission to lawfully accept such amounts or revenues.

588 Section 13. (a) Holders of category 1 and category 2 licenses may accept wagers on  
589 sports events and other events authorized pursuant to this chapter in person at authorized  
590 facilities.

591 (b) Holders of an operator license may accept wagers on sports events and other events  
592 authorized pursuant to this chapter from individuals physically located within the commonwealth  
593 using mobile applications or digital platforms approved by the commission, through the patron's  
594 sports wagering account. The branding for each mobile application or digital platform shall be  
595 determined by the operator. All bets authorized pursuant to this section must be initiated,  
596 received and otherwise made within the commonwealth. Consistent with the intent of the federal

597 Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to 5367,  
598 inclusive, the intermediate routing of electronic data related to a lawful intrastate wager  
599 authorized pursuant to this chapter shall not determine the location or locations in which the  
600 wager is initiated, received or otherwise made.

601 (c) An operator may: (i) accept wagers placed by other operators and (ii) place wagers  
602 with other operators; provided, that any operator that places a wager with another operator shall  
603 inform the operator accepting the wager that the wager is being placed by an operator and shall  
604 disclose the operator's identity.

605 (d) An operator shall not accept: (i) a wager from a person who is less than 21 years of  
606 age; or (ii) a credit card .

607 (e)(1) The commission or operator may ban any person from participating in the play or  
608 operation of any sports wagering consistent with rules and regulations promulgated by the  
609 commission. A list of all excluded patrons shall be kept by the commission and provided to each  
610 licensee. No patron on the exclusion list shall be permitted to conduct sports wagering pursuant  
611 to this chapter.

612 (2) The commission shall establish a list of self-excluded persons from sports wagering.  
613 A person may request their name to be placed on the list of self-excluded persons by filing a  
614 statement with the commission acknowledging that they are a problem gambler and by agreeing  
615 that, during any period of voluntary exclusion, they shall not collect any winnings or recover any  
616 losses resulting from any sports wagering. The commission shall adopt further regulations for the  
617 self-excluded persons list including procedures for placement, removal and transmittal of the list  
618 to sports wagering operators. The commission may revoke, limit, condition, suspend or fine a

619 sports wagering operator if the operator knowingly or recklessly fails to exclude or eject from its  
620 premises any person placed on the list of self-excluded persons. The list of self-excluded persons  
621 from sports wagering shall not be open to public inspection.

622 (3) An operator that operates sports wagering through a mobile application or other  
623 digital platform may allow patrons to set self-imposed limitations on sports wagering when the  
624 patron joins the mobile application or digital platform.

625 (f) No employee may place a sports wager at any facility or through any mobile  
626 application or digital platform owned or operated by their employer.

627 (g) Sections 24, 24A and 27 of chapter 10 of the General Laws shall not apply to an  
628 operator conducting sports wagering in accordance with this chapter.

629 (h) Unclaimed winning sports wagers shall be retained by the operator for the person  
630 entitled to the wager for 1 year after the game or event in which the wager was won. If no claim  
631 is made for the wager within 1 year, the cash or equivalent cash value of the wager shall be  
632 deposited in the Sports Wagering Control Fund established in section 15.

633 Section 14. (a) An excise is hereby imposed upon sports wagering operators in the  
634 commonwealth at the rate of: (i) 15 per cent of the operator's adjusted gross sports wagering  
635 receipts from the operation of in-person sports wagering; (ii) 20 per cent of the operator's  
636 adjusted gross sports wagering receipts from the operation of sports wagering through mobile  
637 applications and other digital platforms approved by the commission; and (iii) 15 per cent of the  
638 adjusted gross fantasy wagering receipts of a person or entity that offers fantasy contests, as  
639 defined in section 11M½. The accrual method of accounting shall be used for purposes of



640 calculating the amount of the tax owed by the licensee. The excise shall be paid to the  
641 commission at the time provided for filing the return pursuant to subsection (b).

642 (b)(1) The excise imposed and collected pursuant to subsection (a) shall be due  
643 and payable to the commission in monthly installments on or before the fifteenth calendar day  
644 following the calendar month in which the adjusted gross sports wagering receipts were received.

645 (2) On or before the fifteenth calendar day of each month, the operator shall complete and  
646 submit the return for the preceding month by electronic communication to the commission in a  
647 form prescribed by the commission that provides:

648 (i) the total gross sports wagering receipts and adjusted gross sports wagering receipts  
649 from operation of sports wagering during that month;

650 (ii) the total gross fantasy wagering receipts and adjusted gross fantasy wagering receipts  
651 from the offering of fantasy contests, as defined in section 11M $\frac{1}{2}$  of chapter 12, during that  
652 month;

653 (iii) the tax amount for which an operator or a person or entity that offers fantasy  
654 contests, as defined in said section 11M $\frac{1}{2}$  of said chapter 12, is liable; and

655 (iv) any additional information necessary in the computation and collection of the tax on  
656 adjusted gross sports wagering receipts and adjusted gross fantasy wagering receipts required by  
657 the commission.

658 (3) The excise amount shown to be due shall be remitted by electronic funds transfer  
659 simultaneously with the filing of the return.

660 (4) When an operator's adjusted gross sports wagering receipts for a month is a negative  
661 number because the winnings paid to wagerers and excise taxes paid pursuant to federal law  
662 exceed the operator's total gross receipts from sports wagering, the commission shall allow the  
663 operator to carry over the negative amount to returns filed for subsequent months. The negative  
664 amount of adjusted gross sports wagering receipts shall not be carried back to an earlier month  
665 and taxes previously received by the commission shall not be refunded unless the operator  
666 surrenders its license and the operator's last return reported negative adjusted gross sports  
667 wagering receipts.

668 (c) The excise on adjusted gross sports wagering receipts imposed by this section shall be  
669 in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds  
670 from operation of, sports wagering.

671 (d) Annually, not later than July 1, the commission shall publish on its website a report  
672 stating the amount in fees, surcharges and civil penalties received from operators and taxes  
673 received from operators and from people or entities that offer fantasy contests, as defined in  
674 section 11M½ of chapter 12.

675 Section 15. (a) There shall be established and set up on the books of the commonwealth a  
676 separate fund to be known as the Sports Wagering Control Fund. The commission shall be the  
677 trustee of the fund and shall expend money to finance the operational activities of the  
678 commission pertaining to sports wagering. The fund shall be credited with: (i) any appropriation,  
679 bond proceeds or other monies authorized by the general court and specifically designated to be  
680 credited thereto; (ii) the proceeds of any fees collected pursuant to this section unless otherwise  
681 specified; (iii) fees collected pursuant to sections 7 and 8; (iv) breaks; and (v) such additional

682 funds as are subject to the direction and control of the commission. All available money in the  
683 fund that is unexpended at the end of each fiscal year shall not revert to the General Fund and  
684 shall be available for expenditure in the subsequent fiscal year.

685 (b) The commission shall establish fees for any investigation into a violation of this  
686 chapter or regulation promulgated hereunder by a sports wagering operator to be paid by the  
687 sports wagering operator including, but not limited to, billable hours by commission staff  
688 involved in the investigation and the costs of services, equipment or other expenses that are  
689 incurred by the commission during the investigation.

690 (c) Any remaining costs of the commission necessary to maintain regulatory control over  
691 sports wagering operators that are not covered by: (i) the fees set forth in subsection (b); (ii) any  
692 other fees assessed pursuant to this chapter; or (iii) any other designated sources of funding, shall  
693 be annually assessed on sports wagering operators pursuant to this chapter in proportion to each  
694 operator's share of the commonwealth's total adjusted gross sports wagering receipts. Each  
695 operator shall pay the amount assessed against the operator not more than 30 days after the date  
696 of the notice of assessment from the commission.

697 (d) If the fees collected pursuant to subsections (b) and (c) exceed the cost required to  
698 maintain regulatory control, the surplus funds shall be credited in proportional shares against  
699 each sports wagering operator's next assessment.

700 (e) The commission shall annually assess and collect a \$1,000,000 fee in shares to be  
701 determined by the commission against each sports wagering operator that is not a category 1 or  
702 category 2 gaming licensee, as defined in section 2 of chapter 23K. The fee collected pursuant to  
703 this subsection shall be deposited into the Public Health Trust Fund established in section 58 of

704 said chapter 23K and shall be used for the costs of services and public health programs provided  
705 for in said section 58 of said chapter 23K.

706 Section 16. (a) The commission may assess a civil administrative penalty on an operator  
707 who fails to comply with any provision of this chapter, house rules or any regulation or order  
708 adopted by the commission; provided, however, that the noncompliance shall have occurred after  
709 the commission has given such operator written notice of the noncompliance and the time stated  
710 in the notice for coming into compliance has elapsed; provided further, that the commission may  
711 assess a penalty without providing written notice if the failure to comply: (i) was part of a pattern  
712 of noncompliance and not an isolated instance; (ii) was willful or neglectful and not the result of  
713 error; (iii) resulted in a significant breach to the integrity of the operator or the sports wagering  
714 laws of the commonwealth; or (iv) consisted of failure to promptly report to the commission any  
715 knowledge of evidence or circumstances that would cause a reasonable person to believe that a  
716 violation of this chapter has been committed. The civil administrative penalty shall be in addition  
717 to any other civil penalty that may be prescribed by law.

718 (b) For the purpose of determining whether such noncompliance was part of a pattern of  
719 noncompliance and not an isolated instance, the commission shall consider, but not be limited to;  
720 (i) whether the commission had previously notified the operator of such noncompliance on more  
721 than 1 occasion during the previous month or of any noncompliance with the same provision of a  
722 law, regulation, order, license or approval as the current noncompliance during the previous 6-  
723 month period; or (ii) whether the current and previous instances of noncompliance, considered  
724 together, indicate a potential threat to the integrity of the operator and sports wagering in the  
725 commonwealth or an interference with the commission's ability to efficiently and effectively  
726 regulate sports wagering in the commonwealth and enforce any regulation, license or order. If an

727 operator that has received a notice of noncompliance fails to come into compliance within the  
728 time period stated in the notice, the civil administrative penalty may be assessed by the  
729 commission upon the operator from the date of receipt of such notice.

730 (c) If the commission seeks to assess a civil administrative penalty on an operator, the  
731 commission shall cause to be served upon the operator, by service in hand or by certified mail,  
732 return receipt requested, a written notice of its intent to assess a civil administrative penalty that  
733 shall include: (i) a concise statement of the alleged act or omission for which such civil  
734 administrative penalty is sought to be assessed; (ii) each law, regulation, order, license or  
735 approval that has not been complied with as a result of such alleged act or omission; (iii) the  
736 amount that the commission seeks to assess as a civil administrative penalty for each alleged act  
737 or omission; (iv) a statement of the operator's right to an adjudicatory hearing on the proposed  
738 assessment; (v) the requirements the operator shall comply with to avoid being deemed to have  
739 waived the right to an adjudicatory hearing; and (vi) the manner of payment thereof if the  
740 operator elects to pay the penalty and waive an adjudicatory hearing. After written notice of  
741 noncompliance or intent to assess a civil administrative penalty has been given, each day  
742 thereafter during which noncompliance occurs or continues shall constitute a separate offense  
743 and shall be subject to a separate civil administrative penalty if reasonable efforts have not been  
744 made by the operator to promptly come into compliance.

745 (d) If the commission seeks to assess a civil administrative penalty on an operator, the  
746 operator shall have the right to an adjudicatory hearing under chapter 30A, the provisions of  
747 which shall apply except when they are inconsistent with the provisions of this chapter.

748 (e) An operator shall be deemed to have waived its right to an adjudicatory hearing  
749 unless, not more than 21 days after the date of the commission's notice that the commission  
750 seeks to assess a civil administrative penalty, the operator files with the commission a written  
751 statement denying the occurrence of any of the acts or omissions alleged by the commission in  
752 the notice or asserting that the amount of the proposed civil administrative penalty is excessive.  
753 In an adjudicatory hearing authorized under chapter 30A, the commission shall be required to  
754 prove, by a preponderance of the evidence, the occurrence of each act or omission alleged by the  
755 commission in the notice.

756 (f) If an operator waives the right to an adjudicatory hearing, the proposed civil  
757 administrative penalty shall be final immediately upon such waiver. If a civil administrative  
758 penalty is assessed at the conclusion of an adjudicatory hearing, the civil administrative penalty  
759 shall be final upon the expiration of 30 days unless an action for judicial review of the decision is  
760 commenced under chapter 30A.

761 (g) An operator who institutes proceedings for judicial review of the final assessment of a  
762 civil administrative penalty shall place the full amount of the final assessment in an interest-  
763 bearing escrow account in the custody of the clerk or magistrate of the reviewing court. The  
764 establishment of an interest-bearing escrow account shall be a condition precedent to the  
765 jurisdiction of the reviewing court unless the party seeking judicial review demonstrates, in a  
766 preliminary hearing held not more than 20 days after the filing of the complaint, the presence of  
767 a substantial question for review by the court or the operator's inability to pay. Upon such a  
768 demonstration, the court may grant an extension or waiver of the interest-bearing escrow account  
769 requirement or may require, in lieu of such interest-bearing escrow account, the posting of a

770 bond payable directly to the commonwealth in the amount of 125 per cent of the assessed  
771 penalty.

772 If, after judicial review, in a case where the escrow account requirement has been waived,  
773 and in cases where a bond has been posted in lieu of such requirement, the court affirms, in  
774 whole or in part, the assessment of a civil administrative penalty, the commission shall be paid  
775 the amount thereof together with interest at the rate provided in section 6C of chapter 231. If,  
776 after judicial review in a case where an interest-bearing escrow account has been established, the  
777 court affirms the assessment of such penalty, in whole or in part, the commission shall be paid  
778 the amount thereof together with the accumulated interest in the interest-bearing escrow account.  
779 If the court sets aside the assessment of a civil administrative penalty in a case where the amount  
780 of such penalty has been deposited in an interest-bearing escrow account, the operator on whom  
781 the civil administrative penalty was assessed shall be repaid the amount so set aside, together  
782 with the accumulated interest thereon.

783 (h) Each operator who fails to timely pay a civil administrative penalty and each operator  
784 who issues a bond under this section and fails to timely pay to the commission the amount  
785 required for the bond, shall be liable to the commonwealth for up to 3 times the amount of the  
786 civil administrative penalty, together with costs, plus interest accrued from the time the civil  
787 administrative penalty became final and attorneys' fees, including all costs and attorneys fees  
788 incurred directly in the collection of the penalty. The rate of interest shall be the rate provided in  
789 section 6C of chapter 231. The commission may require that the amount of a civil administrative  
790 penalty imposed under this section exceed any economic benefit realized by a person.



791 (i) The commission may impose conditions on, suspend or revoke an operator's license or  
792 reprimand or assess a fine on an operator upon a finding that the operator: (i) has committed a  
793 criminal or civil offense under this chapter or under any other law; (ii) is not in compliance with  
794 sports wagering regulations promulgated pursuant to this chapter; (iii) is under criminal  
795 investigation in another jurisdiction; (iv) has breached a condition of licensure; (v) has affiliates,  
796 close associates or employees that are not qualified or licensed under this chapter with whom the  
797 operator continues to conduct business or employ; (vi) is no longer capable of maintaining  
798 operations as a sports wagering operator; or (vii) whose business practice, upon a determination  
799 by the commission, is injurious to the policy objectives of this chapter.

800 Section 17. There shall be established and set up on the books of the commonwealth a  
801 Sports Wagering Fund which shall receive revenues collected pursuant to sections 6 and 14. The  
802 commission shall be the trustee of the fund and shall transfer monies from the fund as follows:

803 (1) 45 per cent to the General Fund;

804 (2) 17.5 per cent to the Workforce Investment Trust Fund established in section 18;

805 (3) 27.5 per cent to the Gaming Local Aid Fund established in section 63 of section 23K;

806 (4) 1 per cent to the Youth Development and Achievement Fund established in section  
807 19; and

808 (5) 9 per cent to the Public Health Trust Fund established in section 58 of section 23K.

809 Section 18. (a) There is hereby established and set up on the books of the commonwealth  
810 a separate fund to be known as the Workforce Investment Trust Fund. There shall be credited to  
811 the fund any sports wagering revenue transferred from the Sports Wagering Fund pursuant to

812 section 16. Monies transferred to the fund shall be continuously expended, without regard for  
813 fiscal year, exclusively for carrying out the purposes of this section. Money remaining in the  
814 fund at the end of a fiscal year shall not revert to the General Fund.

815 (b) The fund shall be administered by the secretary of housing and economic  
816 development. Money in the fund shall be competitively granted to develop and strengthen  
817 workforce opportunities for low-income communities and vulnerable youth and young adults in  
818 the commonwealth, including providing opportunities and strategies to promote stable  
819 employment and wage growth.

820 (c) Eligible grant recipients shall provide opportunities which: (i) target at risk youth,  
821 including resources to empower youth to succeed in the workforce; (ii) provide job skills  
822 trainings, including programs offering trainings in multiple languages and areas for development,  
823 including education and hands on skills; (iii) promote adult literacy, including strategies to  
824 master reading and writing and providing digital formats to increase accessibility; and (iv)  
825 provide English language learning programs to promote access to the workforce. The secretary  
826 of housing and economic development shall establish criteria to evaluate applications for the  
827 grant program; provided, that the criteria shall include, but shall not be limited to, at risk  
828 populations; provided further, that preference shall be given to eligible grant recipients providing  
829 opportunities for individuals who meet at least 2 of the following: (i) is under 30 years of age;  
830 (ii) is a victim of violence; (iii) is over 18 years of age and does not have a high school diploma;  
831 (iv) has been convicted of a felony; (v) has been unemployed or has had a family income below  
832 250 per cent of the federal poverty level for not less than 6 months; (vi) lives in a census tract  
833 where over 20 per cent of the populations fall below the federal poverty line; or (vii) is an  
834 immigrant, refugee or person of color.

835 (d) Annually, not later than October 1, the secretary of housing and economic  
836 development shall provide a report of the grants given and a breakdown of expenditures made by  
837 the fund. The report shall be posted on the website of the executive office of housing and  
838 economic development.

839 Section 18. There shall be established and set up on the books of the commonwealth a  
840 fund to be known as the Youth Development and Achievement Fund. The fund shall be credited  
841 any monies transferred from the Sports Wagering Fund pursuant to section 16 and all monies  
842 credited to or transferred to the fund from any other fund or source. Expenditures from the fund  
843 shall be subject to appropriation and shall be expended equally for the following purposes:

844 (1) For the purposes of providing financial assistance to students from the commonwealth  
845 enrolled in and pursuing a program of higher education in any approved public or independent  
846 college, university, school of nursing or any other approved institution furnishing a program of  
847 higher education;

848 (2) For the purposes of funding after-school and out-of-school activities, including, but  
849 not limited to, youth athletics and other activities that improve student health, literacy programs,  
850 English language learning programs, academic tutoring, art, theater and music programs and  
851 community service programs; and

852 (3) For the purposes of providing matching grants to elementary and secondary youth  
853 sports, organizations, clubs and other school groups to attend events including, but not limited to,  
854 academic events and programs, cultural events and award ceremonies both nationally and  
855 internationally.

856           Section 20. The commission shall conduct a study into the feasibility of allowing retail  
857 locations in the commonwealth to operate sports wagering kiosks. The study by the commission  
858 shall include, but not be limited to, an analysis of: (i) the economic impact of this chapter on  
859 retail establishments that serve alcoholic beverages for on premises consumption, such as  
860 restaurants and bars; (ii) which retail locations have the ability to operate a sports wagering  
861 kiosk; (iii) the economic impact to the commonwealth of authorizing retail locations to operate a  
862 sports wagering kiosk; (iv) the methods and availability of payouts of winnings by a sports  
863 wagering kiosks at retail locations; (v) the public health and safety impacts to the commonwealth  
864 of authorizing retail locations to operate a sports wagering kiosk; (vi) the potential effect of  
865 sports wagering kiosks at retail locations on problem gaming or gambling; (vii) the impact of  
866 sports wagering kiosks at retail locations on minors; (viii) the economic impact of authorizing  
867 this method of sports wagering on businesses owned by people of color; (ix) the public health  
868 and economic impact of this method of sports wagering as an alternative to the current black  
869 market, particularly in communities far from authorized in-person sports wagering; and (x)  
870 recommendations to ensure diversity, equity and inclusion are included in this method of sports  
871 wagering. As part of the study, the commission shall consult retailers, convenience stores,  
872 restaurants, women and minority owned businesses and small business owners. The commission  
873 shall report on its findings and submit any recommendations to the clerks of the house and  
874 senate, the house and senate committees on ways and means, the joint committee on consumer  
875 protection and professional licensure and the joint committee on economic development and  
876 emerging technologies no later than December 31, 2022.

877           Section 21. (a) The commission may impose on any person who violates this chapter a  
878 civil penalty not to exceed \$2,000 for each violation or \$5,000 for violations arising from the

879 same series of events. Such penalty shall be imposed on all persons and is not limited to persons  
880 licensed under this chapter.

881 (b) The commission may condition, suspend, reprimand, assess a fine or revoke an  
882 operator license upon a finding that a licensee: (i) has committed a criminal or civil offense  
883 under this chapter or under any other laws of the commonwealth; (ii) is not in compliance with  
884 sports wagering regulations; (iii) is under criminal investigation in another jurisdiction; (iv) has  
885 breached a condition of licensure; (v) has affiliates, close associates or employees that are not  
886 qualified or licensed under this chapter with whom the licensee continues to conduct business or  
887 employ; (vi) is no longer capable of maintaining operations as a sports wagering operator or data  
888 supplier; or (vii) whose business practice, upon a determination by the commission,  
889 is injurious to the policy objectives of this chapter.

890 Section 21. (a) Whoever, other than an operator under this chapter, engages in accepting,  
891 facilitating or operating a sports wagering operation shall be punished by imprisonment in the  
892 house of correction for not more than 90 days or by a fine not to exceed \$10,000, or both; and for  
893 a second offense, by imprisonment in the house of correction for not more than 6 months or by a  
894 fine of not more than \$50,000, or both; and in the case of a third or subsequent violation by  
895 imprisonment in the state prison for not less than 1 but not more than 5 years or by a fine of not  
896 less than \$25,000 and not more than \$100,000, or both.

897 Section 22. An operator shall not discharge, demote, suspend, threaten, harass or in any  
898 other manner discriminate against an employee because of any lawful act done by the employee  
899 to provide information, cause information to be provided or otherwise assist in an investigation

900 regarding any conduct that the employee reasonably believes constitutes a violation of this  
901 chapter.

902           Section 23. (a) The commission shall develop an annual research agenda in order to  
903 understand the social and economic effects of sports wagering in the commonwealth and to  
904 obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology  
905 and etiology of sports wagering. The secretary of health and human services, with the advice and  
906 consent of the commission, may expend funds from the Public Health Trust Fund established in  
907 section 58 of chapter 23K to implement the objectives of the sports wagering research agenda;  
908 provided, however, that the objectives of the sports wagering research agenda shall, to the extent  
909 practicable, be substantially similar to the objectives of the research agenda established under  
910 section 71 of said chapter 23K. The sports wagering research agenda shall also include, but not  
911 be limited to: (i) an assessment of whether problem sports wagering is comorbid with problem  
912 gambling; (ii) an assessment as to whether the individuals participating in sports wagering are  
913 different than those who participate in other forms of gaming or gambling; (iii) an assessment of  
914 the impact of sports wagering on youth under the age of 25; (iv) an assessment of the impacts of  
915 sports wagering on college athletics and professional sports; and (v) the costs of implementing  
916 this chapter.

917           (b) Annually, the commission shall make scientifically-based recommendations that  
918 reflect the results of the research under clause (a) to the clerks of the senate and house of  
919 representatives, the senate and house committees on ways and means, the joint committee on  
920 economic development and emerging technologies, the joint committee on mental health,  
921 substance use and recovery and the joint committee on public health. The commission shall  
922 consider any such recommendations, research and findings in all decisions related to enhancing

923 responsible gambling and mitigating problem sports wagering. The recommendations shall be  
924 posted on the commission's website.

925 SECTION 6. Chapter 128C of the General Laws is hereby amended by inserting the  
926 following new section:-

927 Section 9. Notwithstanding sections 1 to 8, inclusive, or any other general or special law  
928 to the contrary, no racing meeting licensee, including licensees holding racing meetings in  
929 connection with a state or county fair as defined in section 1 of chapter 128A, shall simulcast or  
930 accept a wager on greyhound dog racing, and a running horse racing meeting licensee shall  
931 conduct not less than 20 live racing days at a thoroughbred horse racing track, provided, the  
932 commission may waive this requirement as necessary and appropriate to ensure the financial  
933 ability of the licensee to develop and operate a race track.

934 SECTION 7. Section 1 of chapter 137 of the General Laws, as appearing in the 2018  
935 Official Edition, is hereby amended by inserting after the figure "23K", in line 3, the following  
936 words:- or sports wagering conducted pursuant to chapter 23N.

937 SECTION 8. Section 2 of said chapter 137, as so appearing, is hereby amended by  
938 inserting after the figure "23K", in line 3, the following words:- or an operator who offers sports  
939 wagering pursuant to chapter 23N.

940 SECTION 9. Section 3 of said chapter 137, as so appearing, is hereby amended by  
941 inserting after the figure "23K", in line 7, the following words:- or sports wagering conducted  
942 pursuant to chapter 23N.



943 SECTION 10. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby  
944 amended by striking out, in line 4, the words “chapter 23K” and inserting in place thereof the  
945 following words:- chapters 23K and 23N.

946 SECTION 11. Section 2 of said chapter 271, as so appearing, is hereby amended by  
947 striking out, in line 4, the words “chapter 23K” and inserting in place thereof the following  
948 words:- chapters 23K and 23N.

949 SECTION 12. Section 3 of said chapter 271, as so appearing, is hereby amended by  
950 striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following  
951 words:- chapters 23K and 23N.

952 SECTION 13. Section 5 of said chapter 271, as so appearing, is hereby amended by  
953 striking out, in line 1, the words “chapter 23K” and inserting in place thereof the following  
954 words:- chapters 23K and 23N.

955 SECTION 14. Section 5A of said chapter 271, as so appearing, is further amended by  
956 inserting after the words “chapter 23K”, in line 32, the following words:- or sports wagering  
957 conducted pursuant to chapter 23N.

958 SECTION 15. Section 5B of said chapter 271, as so appearing, is hereby amended by  
959 striking out, in line 58, the words “chapter 23K” and inserting in place thereof the following  
960 words:- chapters 23K and 23N.

961 SECTION 16. Section 8 of said chapter 271, as so appearing, is hereby amended by  
962 striking out, in lines 10 to 11, the words “other game of chance that is not being conducted in a  
963 gaming establishment licensed under chapter 23K” and inserting in place thereof the following

964 words:- other game that is not being conducted pursuant to chapter 23K and any other sports  
965 wagering that is not being conducted pursuant to chapter 23N.

966 SECTION 17. Section 17 of said chapter 271, as so appearing, is hereby amended by  
967 inserting after the words “chapter 23K”, in line 27, the following words:- or for the purpose of  
968 sports wagering conducted in accordance with chapter 23N.

969 SECTION 18. Said chapter 271, as so appearing, is hereby further amended by striking  
970 out section 17A and inserting in place thereof the following section:-

971 Section 17A. Except as permitted under chapter 23N, whoever uses a telephone, internet  
972 or other communications technology or, being the occupant in control of premises where a  
973 telephone, internet or other communications technology is located or a subscriber for such  
974 communications technology, knowingly permits another to use a telephone, internet or other  
975 communications technology so located or for which such person subscribes, as the case may be,  
976 for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or  
977 any portion of a wager with another, upon the result of a trial or contest of skill, speed or  
978 endurance of man, beast, bird or machine, or upon the result of an athletic game or contest, or  
979 upon the lottery called the numbers game, or for the purpose of reporting the same to a  
980 headquarters or booking office, or who under another name or otherwise falsely or fictitiously  
981 procures telephone, internet or other communications technology service for oneself or another  
982 for such purposes, shall be punished by a fine of not more than \$2,000 or by imprisonment for  
983 not more than 1 year; provided, however, that this section shall not apply to use of telephones or  
984 other devices or means to place wagers authorized pursuant to the provisions of section 5C of  
985 chapter 128A.

986 SECTION 19. Section 19 of said chapter 271, as so appearing, is hereby amended by  
987 inserting after the words “chapter 23K”, in line 19, the following words:- and shall not apply to  
988 advertising of sports wagering conducted pursuant to chapter 23N.

989 SECTION 20. Section 20 of said chapter 271, as so appearing, is hereby amended by  
990 adding the following sentence:- Nothing in this section shall prohibit an operator licensed under  
991 chapter 23N from posting, advertising or displaying materials relevant to its sports wagering  
992 operations.

993 SECTION 21. Section 23 of said chapter 271, as so appearing, is hereby amended by  
994 inserting after the words “chapter 23K”, in line 31, the following words:- and shall not apply to  
995 sports wagering conducted pursuant to chapter 23N.

996 SECTION 22. Section 27 of said chapter 271, as so appearing, is hereby amended by  
997 inserting after the word “thereto”, in line 15, the following words:- ; provided, however, that  
998 such provisions shall not apply to sports wagering conducted pursuant to chapter 23N.

999 SECTION 23. Section 28 of said chapter 271, as so appearing, is hereby amended by  
1000 inserting after the word “prescribed”, in line 12, the following words:- ; provided, however, that  
1001 such provisions shall not apply to sports wagering conducted pursuant to chapter 23N.

1002 SECTION 24. Section 42 of said chapter 271, as so appearing, is hereby amended by  
1003 inserting after the word “both”, in line 4, the following words:- ; provided, however, that such  
1004 provisions shall not apply to sports wagering conducted pursuant to chapter 23N.

1005 SECTION 25. The Massachusetts gaming commission shall conduct a study on the  
1006 participation by minority business enterprises, women business enterprises and veteran business

1007 enterprises in the sports wagering industry in the commonwealth. The study shall include, but not  
1008 be limited to, an analysis of: (i) participation in activities related to the regulation, licensing and  
1009 promotion of sports wagering operators; (ii) the level of participation of women, minority and  
1010 veteran employees working for sports wagering licensees and employers; (iii) the level of  
1011 participation by minority-owned and women-owned businesses that contract with or provide  
1012 services to sports wagering licensees and employers; (iv) any barriers to employment of women  
1013 and minorities in the sports wagering industry; and (v) methods for increasing racial and gender  
1014 diversity in the workforce in the sports wagering industry, including whether to set reasonable  
1015 and appropriate goals and procedures for increasing the number of minority business enterprises  
1016 providing sports wagering industry-related services to sports wagering licensees and employers.  
1017 The commission shall report on its findings and submit any recommendations to the clerks of the  
1018 senate and house of representatives, the house and senate committees on ways and means, the  
1019 joint committee on racial equity, civil rights, and inclusion and the joint committee on economic  
1020 development and emerging technologies not later than December 31, 2022.

1021 SECTION 26. Section 135 of chapter 219 of the acts of 2016 is hereby repealed.

1022 SECTION 27. Sections 2 and 6 shall take effect 1 year after the effective date of this act.



**CITY of GARDNER**  
**Office of the City Clerk**  
95 Pleasant Street, Room 121  
Gardner, MA 01440  
\*Tel. 978-630-4058 \*Fax: 978-630-2589

CITY OF GARDNER  
NOTICE OF JOINT PUBLIC HEARING

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, March 20, 2023 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 items:

- **10891** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.
- **10892** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to add “Sports Betting” to the Zoning Table of Uses.
- **10893** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to increase the quota allowed by the Code of the City of Gardner

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



*City of Gardner - Executive Department*

Mayor Michael J. Nicholson

February 3, 2023

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

Dear Madam President and Councilors,

As you are aware, in 2018, the retail sale of cannabis products became legalized in the Commonwealth.

When the City adopted the sale of Marijuana into our ordinances in November of 2018, the ordinances limited the number of establishments that could open in the City for the retail sale of cannabis to twenty percent (20%) of "license issues for retail sale of alcohol not consumed on the premises." (Code of the City of Gardner 675-1070(C)(8)(b)).

Whereas the City is currently issued ten (10) liquor licenses that fit this category, this provision of the City Code limited the number of retail cannabis locations to two (2) locations in the City.

One of the main reasons this quota limit was drafted was due to uncertainty as to how this new market would run its course in the City and the Commonwealth as a whole. However, since then, we have seen that these businesses do not provide a detriment to the City, and have seen the financial benefit the City receives from this as well.

The City currently has one retail location open with Sanctuary, with a second location – Bloc Cannabis – permitted at the Timpany Crossroads location.

This attached ordinance amendment proposal would increase the number of locations allowed in the City from two (2) to four (4). It is the belief of the Administration that this would allow more economic activity in the City based on inquiries that we have seen, keep the industry within a workable range that we are seeing in market trends with the cannabis industry around the Commonwealth, and done with the full support of our public safety departments.

Respectfully Submitted,

Michael J. Nicholson  
 Mayor, City of Gardner

CC:  
 City Council Public Welfare Committee  
 Planning Board

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO AMEND SECTION 1070 THEREOF, ENTITLED, "MARIJUANA ESTABLISHMENTS" TO INCREASE THE QUOTE ALLOWED BY THE CODE OF THE CITY OF GARDNER.**

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

**SECTION 1:** Subsection (C)(8)(b) of Section 1070 of Chapter 675 of the Code of the City of Gardner be amended by replacing "20%" with "35%" as follows:

- b) The number of marijuana retail establishments shall not exceed 35% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;

**SECTION 2:** That this ordinance take effect upon 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

February 2, 2023

The Honorable Michael J. Nicholson, Mayor  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

Re: Retail Marijuana Ordinance

Dear Mayor,

After reviewing the proposed ordinance change from two retail dispensary licenses to four, I do not see any issue with this particular change moving forward. Retail marijuana dispensaries have been operating in the state for the past few years and are closely monitored and regulated by the Cannabis Control Commission. Any retail dispensaries are required to have pre-determined surveillance camera coverage (inside and outside) and purpose-built safes for stored retail product. This is in addition to physical security during operating hours.

The Gardner Police Department has responded to calls at the current recreational retail dispensary, but the vast majority of the calls are general service calls (accidents, lockouts, burglar alarms, etc.). The police department rarely deals with anything else there.

We have conducted "compliance checks" at Sanctuary using underage youths to enter and purchase cannabis products. Sanctuary has never failed a compliance check. In fact, no youth has ever made it past the front door. I have spoken to law enforcement in other host dispensary locations and have not heard of any major issues.

If there are any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Eric P. McAvene  
Chief of Police



**City of Gardner**  
**Department of Inspectional Services**  
**115 Pleasant Street, Room 101**  
**Gardner, MA 01440**  
Tel. (978) 630-4007 Fax: (978) 632-3313

---

Feb. 7, 2023

RE: Marijuana Retail Establishments

Dear Mr. Mayor,

I believe the text amendment regarding the number of Marijuana Retail Establishments will only increase opportunities in the City for revenue, and jobs. From a Zoning standpoint I have seen no ill effects from the existing Marijuana Facility. I currently have an application for a Building permit for a second facility which would leave us with no additional licenses. This would in effect tie our hands regarding further growth. I am in full support of this proposal.

Do not hesitate to contact me should you need any further assistance.

Roland Jean  
Building Commissioner/Zoning Enforcement Officer  
City Hall Annex  
115 Pleasant St. RM 101  
Gardner, MA 01440  
(978) 630 4007  
rjean@gardner-ma.gov

**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

**Mayor**

---

**From:** John Richard  
**Sent:** Wednesday, February 1, 2023 11:14 AM  
**To:** Mayor  
**Subject:** Marijuana Fees History

Hi Mike

Here you go.

| Description                | 2023 Actual         | 2022 Actual         | 2021 Actual          | 2020 Actual          | 2019 Actual        |
|----------------------------|---------------------|---------------------|----------------------|----------------------|--------------------|
| MARIJUANA HCA FEES         | \$ 26,367.11        | \$124,076.56        | \$ 132,015.11        | \$ 118,394.64        | \$47,072.12        |
| MARIJUANA SALES EXCISE TAX | \$104,773.64        | \$237,668.25        | \$ 306,969.74        | \$ 383,850.54        | \$50,330.46        |
| <b>TOTAL</b>               | <b>\$131,140.75</b> | <b>\$361,744.81</b> | <b>\$ 438,984.85</b> | <b>\$ 502,245.18</b> | <b>\$97,402.58</b> |

John Richard  
 City Auditor



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

**Mayor**

---

**From:** Ashley Metivier  
**Sent:** Wednesday, February 1, 2023 11:04 AM  
**To:** Mayor  
**Subject:** Liquor Retail - Not Consumed on Premise

Hi Mike,

We have 10 locations licensed as retail sale, not consumed on premises:

Malt/Wine Packaged Goods

Town Convenience, 13 Pine St  
BP, 221 Main St  
South Gardner Mini Mart, 94 S. Main St  
Jays Variety, 32 E. Broadway  
Price Chopper, 500 Main St

All Alcohol Packaged Goods

Beauregard Liquors, 11 West St  
Brazells, 201 Pleasant St  
Hannaford, 14-20 Timpany Blvd  
Gardner Spirits, 364 Timpany Blvd  
Anthony's, 12 Pearson Blvd

Let me know if you need any more information!

**Ashley Metivier**  
**Administrative Assistant/License Commission Clerk**  
City of Gardner  
95 Pleasant St, Room 29  
Gardner, MA 01440  
P: 978-630-4013 Ext: 8042  
F: 978-632-4682  
E: [AMetivier@gardner-ma.gov](mailto:AMetivier@gardner-ma.gov)

**Confidentiality Notice:** This email message, including any attachments, is for the use of the intended recipient(s) only and may contain information that is privileged, confidential, and prohibited from unauthorized disclosure under applicable law. If you are not the intended recipient of this message, any dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify the sender by reply email and destroy all copies of the original message and attachments. Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 section 10

Current  
Ordinance

City of Gardner, MA  
Friday, February 3, 2023

## Chapter 675. Zoning

### Article X. Supplemental Regulations

#### § 675-1070. Marijuana establishments.

##### A. Purpose.

- (1) To provide for the placement of marijuana establishments in appropriate places and under conditions in accordance with the provisions of MGL c. 94G.
- (2) To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other sensitive land uses potentially incompatible with said establishments.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments.

##### B. Applicability.

- (1) No marijuana establishment shall be established except in compliance with the provisions of § 675-410 (Schedule of permitted uses) and this § 675-1070 (Marijuana establishments).
- (2) Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of Class 1 Controlled Substances.
- (3) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

##### C. General requirements and conditions for all marijuana establishments.

- (1) All marijuana establishments shall be contained within a building or structure.
- (2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.
- (3) No marijuana establishment property line shall be located within 500 linear feet of a lot line where the following districts, activity, or uses occur:
  - (a) (Reserved)<sup>[1]</sup>

[1] *Editor's Note: Former Subsection C(3)(a), regarding nonconforming residential dwellings, was repealed 9-3-2019 by Ord. No. 1625.*
  - (b) Any church, public or private school or child-care facility; or place where minors frequent (e.g., a library, ball field, park, sports or family recreation facility, religious facility or the like);
  - (c) Any other marijuana establishment;
  - (d) Any drug or alcohol rehabilitation facility; or
  - (e) Any correctional facility, halfway house or similar facility.
- (4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a marijuana establishment.

- (5) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
- (6) Marijuana establishments shall provide the Gardner Police and Fire Departments, Building Commissioner, Board of Health, and the special permit granting authority with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- (7) The City shall have access at any time to inspect the premises of the marijuana establishment to ensure compliance with local and state regulations, excluding client health information protected under the Health Insurance Portability and Accountability Act of 1996.
- (8) Pursuant to MGL c. 94G, § 3(a)(2)(i) to (iii), the maximum number of licensed marijuana establishments in the City shall be consistent with the following provisions:
  - (a) Shall not prohibit one or more types of marijuana establishment;
  - (b) The number of marijuana retail establishments shall not exceed 20% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;
  - (c) The number of marijuana establishments shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017, to a marijuana establishment engaged in the same type of activity.  
[Amended 9-3-2019 by Ord. No. 1625]

D. Special permit requirements.

- (1) No special permit for any marijuana establishment shall be issued without site plan approval first having been obtained from the Planning Board, § 675-1010, Site plan review, of this chapter. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (2) A marijuana establishment shall only be allowed by special permit from the Gardner Planning Board in accordance with MGL c. 40A, § 9, subject to the following statements, regulations, requirements, conditions and limitations.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be specified by the special permit granting authority:
  - (a) Marijuana cultivator;
  - (b) Marijuana product manufacturer;
  - (c) Marijuana retailer;
  - (d) Marijuana testing facility;
  - (e) Marijuana transportation or distribution facility; and
  - (f) Any other type of licensed marijuana-related business.
- (4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
  - (a) The name and address of each owner of the establishment;
  - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment;
  - (c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
  - (d) Proposed security measures for the marijuana establishment, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter

from the City of Gardner Police Chief, or designee, acknowledging review and approval of the marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.

- (5) Mandatory findings. The special permit granting authority shall not issue a special permit for a marijuana establishment unless it finds that:
  - (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
  - (b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
  - (c) The applicant has satisfied all the conditions and requirements set forth herein.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or leasehold of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required in this § 675-1070.

E. Abandonment or discontinuance of use.

- (1) A special permit shall lapse if not exercised within one year of issuance.
- (2) A marijuana establishment shall be required to remove all personal property, including but not limited to all material, plants, equipment, accessories, paraphernalia, and any other property no later than the earliest of:
  - (a) Prior to surrendering its state-issued licenses or permits; or
  - (b) Within six months of ceasing operations.

City of Gardner, MA  
Thursday, January 12, 2023

## 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.



# Original Proposal

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CITY OF GARDNER



IN CITY COUNCIL

## REGULAR MEETING OF AUGUST 1, 2022

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**

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**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 THE CHAPTER 171 OF THE CODE OF THE CITY OF GARDNER, ENTITLED PERSONNEL 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 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**

| <b>Position</b>                                                                    | <b>Annual Salary<br/>(Effective<br/>1/1/2024)</b> | <b>Annual Salary<br/>(Effective<br/>1/1/2025)</b> | <b>Weekly Salary<br/>(Effective<br/>1/1/2024)</b> | <b>Weekly Salary<br/>(Effective<br/>1/1/2025)</b> |
|------------------------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|---------------------------------------------------|
| Mayor                                                                              | \$105,904.22                                      | \$108,022.31                                      |                                                   |                                                   |
| Acting Mayor in the event of a Mayoral Vacancy<br>(Based on 75% of Mayor's Salary) |                                                   |                                                   | \$1,527.47                                        | \$1,558.01                                        |

**Exhibit B**  
**City Council**

| <b>Position</b>        | <b>Annual Salary<br/>(Effective<br/>1/1/2024)</b> | <b>Annual Salary<br/>(Effective<br/>1/1/2025)</b> |
|------------------------|---------------------------------------------------|---------------------------------------------------|
| City Council President | \$12,298.98                                       | \$12,544.96                                       |
| City Councilor         | \$8,415.27                                        | \$8,583.58                                        |

**Exhibit D**  
**School Committee**

| <b>Position</b>                                  | <b>Annual Salary<br/>(Effective<br/>1/1/2024)</b> | <b>Annual Salary<br/>(Effective<br/>1/1/2025)</b> |
|--------------------------------------------------|---------------------------------------------------|---------------------------------------------------|
| School committee members (excluding Chairperson) | \$5,743.43                                        | \$5,858.30                                        |

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



City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

RECEIVED

2023 FEB -9 PM 4:31

January 31, 2023

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

RE: Ordinance Proposal- Mobile Food Operations

Dear Madam President and Councilors,

Recently, the City has seen an increase in Food Truck activity, particularly in the Downtown.

Currently, aside from one day events and annual food permits, the City Code does not regulate how these facilities can operate, registration with the City, traffic enforcement or other issues that have come to light from in the last year.

As a way to address these issues, prepare for future growth in the City, and prevent further issues from occurring, the attached ordinance proposal is being presented.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING  
A NEW CHAPTER 502 TO BE ENTITLED “MOBILE FOOD OPERATIONS,” WHICH  
CHAPTER PROVIDES FOR THE REGULATIONS FOR OPERATING FOOD TRUCK  
SERVICES IN THE CITY**

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

SECTION 1: The Code of the City of Gardner be amended by creating a new Chapter 502 to be entitled “Mobile Food Operations” as follows:

**Chapter 502  
Mobile Food Operations**

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**§ 500-1. Definitions.**

**§ 500-2. Operation in Residential Districts.**

**§ 500-3. Operation in Non-Residential Districts**

**§502-4. Registration With Police Department**

**§502-5. Registration With Health Department**

**§502-5. Severability**

**§502-1 Definitions.**

**MOBILE FOOD OPERATION**

A food service operation that is operated from a moveable vehicle; has the capability of changing location, and does not remain at any one location for more than forty consecutive days will all licenses under applicable law.

**§ 500-2. Operation in Residential Districts.**

- A. Mobile Food Operations, as defined herein, are permitted to operate in all Residential Zoning Districts by Special Permit of the Zoning Board of Appeals per the requirements of the Zoning Ordinance, and licenses under applicable law.
- B. Special Permit from the Zoning Board of Appeals is not required for Mobile Food Operations permitted to operate on property owned by the City of Gardner. Mobile Food Operations are permitted to operate in City Parks with a permit granted by the Director of Public Works or their designee, and licenses under applicable law.
- C. Mobile Food Operations may operate for one day in Residential Districts, per month, without a Special Permit from the Zoning Board of Appeals, with licenses under applicable law.



### **§ 500-3. Operation in Non-Residential Districts.**

- A. Mobile Food Operations are permitted to operate in all other non-residential zoning districts, with a special permit granted by the Zoning Board of Appeals, and licenses under applicable law, In order to insure that the ability to maintain compliance with parking, safety and accessibility requirements of the principal uses on the site is maintained.
- B. Mobile Food Operations are permitted to operate in City of Gardner Parks with a permit granted by the Director of Public Works or their designee, with licenses under applicable law.
- C. Mobile Food Operations are permitted to operate on privately owned land if evidence of ownership, lease, or special permission from the property owner is provided to the Building Commissioner, following the issuance of a Special Permit as required by the provisions of this Chapter of the City Code.
- D. Mobile Food Operations may be authorized to operate on all other publicly owned land by permission of the Office of the Building Commissioner and Mayor, so long as they hold all licenses under applicable law.

### **§502-4. Registration With Police Department**

- A. All Mobile Food Operations, operating within the City of Gardner will be required to obtain a City of Gardner Hawkers and Peddlers License, per Chapter 428 of the Code of the City of Gardner
- B. Mobile Food Operations participating in City Festivals may operate without a City of Gardner Hawkers and Peddlers License if they have obtained a Hawker – Peddler License from the Commonwealth and provide a copy of this to the Chief of Police at least thirty (30) days before the event.

### **§502-5. Registration With Health Department**

- A. All Mobile Food Operations, operating within the City of Gardner for any period of time will be required to register with the Gardner Department of Public Health, subject to the provisions of the General Laws of the Commonwealth.

### **§502-6. Severability**

- A. All provisions of this article are severable. If for any reason any provision of this article is held to be invalid, the validity of the remainder of the article shall not be affected.

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



# CITY OF GARDNER

10906



OFFICE OF THE  
**BOARD OF HEALTH ROOM 29, CITY HALL**  
GARDNER, MASSACHUSETTS 01440  
(978) 630-4013  
FAX (978) 632-4682

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January 27, 2023

Mayor Michael J. Nicholson  
Executive Department  
Gardner City Hall  
95 Pleasant St.  
Gardner, MA 01440

RE: Food Truck Operation Ordinance

Dear Mayor Nicholson:

I have reviewed the proposed Ordinance to Amend the City Code by adding Chapter 502 "Mobile Food Truck Operations". I am in favor of the proposed ordinance amendment to help regulate and streamline mobile operations in the City. I am available for any further questions or discussion if necessary.

Sincerely,

Lauren Saunders  
Director of Public Health

10906



**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

January 30, 2023

The Honorable Michael J. Nicholson, Mayor  
Gardner City Hall  
95 Pleasant Street  
Gardner, MA 01440

Re: Food Truck Ordinance

Dear Mayor,

I have reviewed the proposed Food Truck Ordinance and do not see any issues from the police department. I would recommend moving the ordinance forward for approval.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric P. McAvene".

Eric P. McAvene  
Chief of Police



**City of Gardner**  
**Department of Inspectional Services**  
115 Pleasant Street, Room 101  
Gardner, MA 01440  
Tel. (978) 630-4007 Fax: (978) 632-3313

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Feb. 7, 2023

RE: Mobile Food Operations

Dear Mr. Mayor,

The recent popularity in Mobile Food Operations (Food Trucks) is undeniable. It is my opinion that we would be remiss if we did not create some local legislation allowing said operation. I believe that the oversight by the Zoning Board will eliminate any unsightly or unwanted operation. I am in full support of this measure.

Do not hesitate to contact me should you need any further assistance.

Roland Jean  
Building Commissioner/Zoning Enforcement Officer  
City Hall Annex  
115 Pleasant St. RM 101  
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**Mission Statement**

To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances