



**City of Gardner - *Executive Department***

**Mayor Michael J. Nicholson**

---

March 30, 2023

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

Mr. Mark Schafron, Chair  
And Planning Board Members  
Gardner City Hall, Manca Annex, Rm 201  
115 Pleasant St  
Gardner, MA 01440

RE: Written Testimony: Item #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.

Dear Madam President, Councilors, Mr. Chairman, and Planning Board Members,

I am writing in support of the proposal listed as Item #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.

Over the last three (3) years, Gardner has seen unprecedented economic growth, and we as a City should be doing everything we can to tap into this new attention that the City has been receiving to build our economic base, relieve some of the burden we place on our residential tax payers, provide for increased job creation, and create measures that improve the overall public safety of highly trafficked areas.

This proposal, submitted by my Administration, takes all of those factors into effect in order to act in the best interest of the City.

Gardner is a very "land poor" community. While we have seen growth, we struggle to attract larger companies and corporations to the City, because we simply do not have the land to put them. It is the goal of the Administration, in the event that the aforementioned zoning ordinance is approved, to place the land out for a competitive request for proposal ("RFP") process to try and attract a new commercial base for the City.

This area was chosen due to the high number of traffic incidents causing a large public safety concern. Issues of speed and road design in the area simply do not make the area conducive to increased residential housing. With the current zoning as Rural Residential 3, the potential for new houses in the area would not only place a large burden on City services but would also severely increase public safety concerns by adding additional traffic to the area in a way that is not as easily controlled and regulated by the City as a commercial location can be through site plan approval.

It has been no secret that over the last three (3) years, my administration has made a concerted effort to get properties back on the tax rolls. This proposal helps mitigate severe public safety concerns regarding traffic in the area, while also upholding our fiduciary responsibility we have to our residents by getting these underutilized properties back on the tax rolls to help boost our economic base.

**SECTION BREAKDOWN:**

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**PART A: FEEDBACK FROM PLANNING BOARD MEETING**

At the Planning Board Meetings of March 22, 2023 and March 29, 2023, the question was raised about the existence of Watershed Land within the proposal.

Put simply, these parcels were originally included, because the §632-3 of the Code of the City of Gardner already provides protection to watershed land, by prohibiting the City from selling land designated as Watershed. (See Attachment A)

However, I understand this concern and would absolutely be amenable to the proposal being reduced to only parcels M47-22-4 and M47-24-1, as these two parcels are completely outside of the watershed land in the area. (See Attachment B) (See Attachment C)

This would require that the following parcels be removed from the proposed ordinance amendment: 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. (See Attachment D).

This reduces the total number of acres included by 285.5, from 462.5 acres to 177.

**PART B: PUBLIC SAFETY CONCERNS**

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. While this study primarily focused on the section of Route 140 between Green Street and Pearl Street, the Commission and the Administration as a whole found many similarities between this section of 140 and the section proposed in the ordinance amendment.

***MRPC 140 Study:***

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. (See Attachment E) This study also stated that at that rate of growth in this area there would be a strain on the existing water infrastructure that exists in the area. (See Attachment E)

The study then broke this down further, stating that with the Rural Residential 2 Zoning Designation requiring a minimum of 150 feet of frontage and 60,000 square feet minimum lot size, 792 homes could be constructed in that area, leading to 1,862 new residents and 319 new students based on data from the 2000 Census. Utilizing data from the water and sewer departments, they estimate that this amount of residential development would require the use of 368,494 gallons of water per day. Whereas there are currently no water or sewer utilities in this area (See Attachments F and G) these units would likely have to be on well and septic systems, which would not be sustainable to the area environmentally, nor would the current staffing in the City’s Health Department be adequate for the required inspections of such systems.

Furthermore, should this build out occur, there would be a substantial amount of increased traffic in the area which the area would not be able to support with the current safety lay out and infrastructure.

***Relation between MRPC 140 Study and the Area of Route 140 from Green St to Winchendon:***

Like the area of Route 140 that was studied in the MRPC Build Out Analysis Report, this area of 140 has large public safety and city service strain concerns as well.

This section of Route 140 is also zoned as Rural Residential 2. As such, the requirements there are a minimum of 150 feet of frontage and a minimum lot size of 60,000 square feet. With a total area of 177 acres of land proposed in this amendment, which is the equivalent of 7,710,120 square feet or 129 building lots.

While some areas of the location may be wet or unbuildable, unbuildable and wetland portions of a lot can still be considered when obtaining the minimum lot size and only restrict where the structures on that property can go.

According to the 2020 Census, the average number of people per household in the Commonwealth is 2.5 to 4. Utilizing this data to extrapolate what this would mean for the City, this could bring in between 323 and 516 new residents. Utilizing our 2020 Census data that our

school aged population currently makes up 17.3% of our total population, this could mean an additional 56 to 90 students enrolled in our schools.

Additionally, Article VII of Chapter 675 of the City Code does not allow for properties in the City to have shared driveways. (See Attachment H) As we have seen with developments in similar areas in the City, build out would likely result in new cul-du-sacs being constructed, adding new roads. At a required 150 feet frontage requirement under the Rural Residential 2 Zoning, and area enough for 129 lots, this would likely require the creation of 19,350 feet of road, or an additional 4 miles. The City currently pays approximately \$1.2 million per mile in pavement to maintain roads and \$100 per round of snow and ice treatment per mile, the number of rounds for which is dependent on the type of storm that the City is experiencing.

Furthermore, like the area reviewed in the MRPC Buildout Analysis Study of Route 140, this area also does not have public utilities. The Department of Public Works currently estimates that it costs between \$300 and \$500 to install one foot of utility pipe in the ground. With the distance between where each utility ends to this location, it would require an approximate investment of \$5 million to \$7 million per utility to get the infrastructure out to this location, let alone additional infrastructure that would have to run to the potential homes that could be constructed under the current zoning.

If the change to Commercial 2 Zoning were to occur, the developer would bear the full cost of all of this, while still having only one or two meters in the area and a significantly lesser drain on the amount of water used each day rather than a few hundred new residents living there full time.

#### ***Traffic Safety Concerns Route 140 from Green Street to Winchendon:***

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 regarding safety improvements with the Massachusetts Department of Transportation (“MassDOT”), adding additional driveways for residences in the area would only exacerbate the problem.

According to data from the Gardner Fire Department, over the last ten (10) years, there have been 191 motor vehicle accidents in the Route 140 corridor, of which, 125 resulted in injuries to the drivers and passengers involved. (See Attachment I)

Route 140 is simply not constructed as a location for residential development.

Adding additional residential units to the area, and thus increasing traffic out of driveways and common streets onto a four-lane divided highway is just not in the best interest of public safety. Our public safety departments spend enough time dealing with accidents on this road already without adding additional permanent traffic to the location.

While commercial development will also likely increase traffic, this can be much more regulated by the City to add new safety improvements to their traffic plans through the site plan approval for commercial development required by Chapter 675 of the City Code. In the past this process

has required things such as turning lanes, traffic lights, lighting fixtures, parking lot layout, ingress and egress locations, and more- all of which can be done with commercial development and not with residential development.

### **PART C: HOUSING PRODUCTION CONCERNS**

At previous meetings of the City Council, concerns were raised regarding this proposal restricting residential development.

While, it is true that this proposal would remove the ability for new single family homes to be constructed in the area, it is also true that Gardner needs more housing units. The City also needs to develop in a smart way that meets the City's need for growth while also taking public safety concerns into account and providing for enough economic opportunity for the residents who live here and are moving here.

In Gardner there are currently 520 housing units in construction or under renovation after being vacant for more than eighteen (18) months. (See Attachment J) This is also a very conservative number as some of these projects are still in the early proposal stage due to recent ongoing RFP processes. Once those are completed, this number will increase between 65 units at a minimum to upwards of 87 units.

None of the units numbered above include the temporary housing that the Commonwealth is looking at utilizing in Gardner for a six (6) month period to house migrant refugees from the Bolivarian Republic of Venezuela and Ukraine, as this is being done through private agreements with the Commonwealth and only for a temporary basis of under a year.

We are doing everything we can in the City to promote housing growth and production and play our part in the current housing crisis that the Commonwealth is seeing.

However, the location where this zoning amendment is proposed is simply not the smart growth location for this to take place, due to the safety concerns listed above.

The Administration has also begun talks with the Healey – Driscoll Administration regarding state owned properties being utilized for later housing production, however these discussions are still very early on in the process.

### **PART D: LEASE/SALE METHOD FOR PROPERTY**

It is the goal of the Administration to place the property listed in this proposal out for a competitive sale to help grow the City's economic base.

As has been stated several times before, the process for the City to sell or lease any land owned it owns is severely regulated by Chapter 30B of the General Laws and monitored by the Office of the Inspector General.

The process would be as follows:

1. The Administration would have to obtain a recent survey of the location to determine its accurate meets and bounds and then get a current appraisal on the property.
  - a. The Administration has begun the process of obtaining a survey for the City owned locations so we can have those for our record regardless of what the outcome of this vote is.
  - b. The Administration has not begun the process of obtaining an appraisal of the property.
2. The Administration would then send a proposal to the City Council requesting that the City Council vote to declare the land surplus for disposition for a minimum price amount.
  - a. Per the requirements of the General Laws, the minimum asking price set by vote of the City Council must be at the appraised value unless the Administration can provide documented reasons, approved by the Office of the Inspector General, why it is in the best public interest for the City to sell or lease the property for under what it is appraised at.
  - b. It is the goal of the Administration to list the property for its appraised value.
3. If approved for disposition by the City Council, the Administration would then issue a competitive Request for Proposal solicitation, requesting parties to submit their bids for sale as well as a description of what their intended use of the property would be.
  - a. The General Laws require that this solicitation be posted in the Central Register and twice in a newspaper of general circulation.
  - b. The Administration would also utilize the services of our on-call real estate broker to help market the property.
  - c. The General Laws require that this solicitation be public for a minimum of thirty (30) days.
4. After the deadline to receive the proposals has passed, there is a public listing of everyone who has submitted proposals in response to the solicitation. The documentation that is submitted is not yet opened until after the review is completed, but a public listing of all submitters is then made available for public review.
  - a. Note that Chapter 30B of the General Laws require that the proposed use of the location (known as the Technical Proposal) and the monetary offer that is submitted (known as the Price Proposal) must be in separately sealed envelopes and the price proposals cannot be opened until after the technical proposals are all evaluated.
5. A committee of three (3) to five (5) individuals is then selected who will conduct the preliminary review of the proposals that have been submitted.
  - a. These individuals then review the technical proposals that have been submitted and score the responses based on a rubric to determine which proposal has the highest and best use of the land and is in the best interest of the City.
  - b. The committee members then submit all of their review materials to the Mayor's Office for final review.

6. After the initial review is done, my Office will conduct a final review of the materials submitted and the documentation of the initial review.
7. After this final review of the technical proposals is completed, the price proposals are opened by my Office and the City Purchasing Director.
  - a. The proposals are then weighed fully based on their score in the technical review process and the offers submitted along with them.
8. An award is then made by the Administration to the proposal that received the highest technical score alongside the highest price proposal.
  - a. At this point, all documentation associated with the process becomes subject to public records review.
9. If the award is a lease, it would then require City Council approval on the lease agreement. If the award is a sale, it would then go to the City's Law Department to conduct a closing.

As a result of all of the reasons listed above, it would be completely incorrect and inaccurate to say that this proposal relates to a specific project and organization as that cannot legally be done. This is a highly regulated process that is spelled out step by step by law.

**PART E: RECENT SALE OF CITY PROPERTIES AND ECONOMIC BENEFIT**

Over the last three (3) years, the City has sold more properties that are either unutilized by the City or have been taken through the tax title process in this period of time than it has since 1983.

Table E-1 shows the increased amount of tax collection the City is now receiving without any work being done on those properties yet.

**TABLE E-1: City Land Sales since 2020**

<b>Location</b>	<b>Assessment</b>	<b>Annual Tax Collection</b>
53 School St	\$ 223,700.00	\$ 3,608.28
73 Stuart St	\$ 72,400.00	\$ 1,167.81
177 West St	\$ 49,700.00	\$ 801.66
14 Leamy St	\$ 58,400.00	\$ 941.99
73 East Broadway	\$ 1,895,700.00	\$ 30,577.64
Nichols St	\$ 92,100.00	\$ 1,485.57
Catherine St	\$ 62,000.00	\$ 1,000.06
20 Rock St	\$ 56,600.00	\$ 912.96
Chelsea St	\$ 57,300.00	\$ 924.25
<b>TOTAL INCREASED TAX REVENUE:</b>		<b>\$ 41,420.23</b>

Both parcels in this proposed Zoning Amendment are currently owned by the City. At a current tax rate of \$16.13 per thousand dollars of valuation, the following would be added to the City's tax base without anything happening on the site:

**TABLE E-2: Proposed Land Tax Assessments**

<b>Parcel</b>	<b>Assessment</b>	<b>Annual Tax Collection</b>
M47-22-4	\$ 424,000.00	\$ 6,839.12
M47-24-1	\$ 334,100.00	\$ 5,389.03
<b>TOTAL POTENTIAL TAX REVENUE INCREASE:</b>		<b>\$ 12,228.15</b>

**PART F: CURRENT ECONOMIC INTEREST IN GARDNER**

Gardner has seen unprecedented economic growth and development over the last three (3) years. In 2022 alone, 33 businesses opened their doors in Gardner and \$420 million of real estate sales was undertaken.

Since January 1, 2023, six (6) businesses have opened their doors and a substantial amount of additional development, particularly in the Downtown, is going to be taking place this summer with large commercial buildings that were recently constructed.

While the main impetus for this zoning change was due to significant traffic safety concerns in the area, Commercial 2 designation was selected as a proposed zoning designation, because of the interest the City has seen from larger corporations that require a minimum lot size that we no longer furnish unless we start to get creative in our development processes.

Since I have been in office, there have been twelve (12) different developers who have asked for land of a minimum of 100 acres – including hotels, restaurant plazas, shopping centers, youth entertainment facilities, sports betting facilities, and others, who the City has had to turn away because we don't have the land. This means turning away economic opportunities, an increased tax base, and job creation from Gardner.

The Administration is looking to capitalize on this new attention Gardner is receiving and find ways to meet all of these goals for the City in a way that allows the City to also mitigate concerns that we have in this location, creating a situation that is truly and fully in the best interest of the City, our departments, and our residents.

**PART G: WATERSHED CONCERNS**

Working with the City Engineer's Office, whose purview it is to determine the locations of watershed in the City, we have determined that Parcels M47-22-4 and M47-24-1 are not located within the watershed.

***Definition of Watershed:***

Chapter 632 of the City Code defines watershed land as:

*Those areas of land that lie adjacent to the City water supply sources, including but not limited to Crystal Lake, Perley Brook Reservoir and Marm John's Pond, as*



*located and bounded as shown on map of the City of Gardner watershed as updated and on file in the office of the City Engineer. Said map and explanatory matter thereon are hereby made part of this chapter. (See Attachment A)*

The City Engineer has interpreted this to follow the same definitions provided in the Code of Massachusetts Regulations under 310 CMR 22.00 as Zones A, B, and C.

Zone A is defined as

- A. land area between the surface water source and the upper boundary of the bank;*
- B. the land area within a 400 foot lateral distance from the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a); and*
- C. the land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.*

Zone B is defined as:

*land area within one-half mile of the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a), or edge of watershed, whichever is less. Zone B always includes the land area within a 400 ft lateral distance from the upper boundary of the bank of a Class A surface water source.*

Zone C is defined as:

*land area not designated as Zone A or B within the watershed of a Class A surface water source, as defined in 314 CMR 4.05(3)(a).*

In Attachment B, the City Engineer has provided a Map of the area showing these three zones to include the full extent of the City's watershed as they relate to this proposal. (See Attachment K)

As can be seen from this Map, M47-22-4 and M47-24-1 fall completely outside the City's watershed area, as defined by the City Code and the Code of Massachusetts Regulations.

#### ***City Engineer Map Designations:***

Section 632-2 of the City Code ties the definition of watershed lands to the maps on file in the Office of the City Engineer. In conducting research into these maps, it is the determination of the Administration that the aforementioned parcels are not considered watershed land.

The City Engineer was able to find a map from 1945 that shows all watershed areas located within the City. This map shows that the area of parcels M47-22-4 and M47-24-1 not to be included in any watershed locations, even before Route 140 was constructed. (See Attachment L)

This is further seen on the City Engineers Map from 1954 that also shows all watershed lands within the City as well as City owned land abutting watershed lands. This map specifically states

that parcels M47-22-4 and M47-24-1 are “Not Watershed Lands” directly on the map itself. (See Attachment M)

This was further articulated in the 1958 map that shows this specific area of the City. Directly written on this map is the language “Not Watershed” on both parcels M47-22-4 and M47-24-1. (See Attachment N).

As such, all watershed maps held by the Office of The City Engineer, match the definitions listed in Chapter 632 of the City’s Zoning Code and 310CMR 22.00, showing that parcels M47-22-4 and M47-24-1 are **NOT** considered watershed lands.

### ***Protection of Land that IS designated as Watershed Land***

While Parcels M47-22-4 and M47-24-1 are not included in the City’s watershed, other parcels in the original proposal are.

Section 3 of Chapter 632 of the City Code does provide further protection of these parcels by placing a legal prohibition on the City being able to sell watershed land. (See Attachment A)

### ***Zoning - Surface Water Protection Overlay District***

In 2011, the City created a Surface Water Protection Zoning Overlay District, now codified in Section 550 of Chapter 675 of the City Code. This Overlay District regulates and restricts what can and cannot be done in areas designated by the overlay. However, a Zoning Ordinance **does not** create watershed land, as both the City Code and the Code of Massachusetts Regulations define watershed lands through a scientific definition based on the topography of an area.

The definition of the Surface Water Protection Overlay District does, for the most part, mimic the definitions of watershed land, except for the fact that it changes Zone C, to Zone C+. However, this still does not change the fact that the watershed ends at Zone C, even if zoning regulations control what occurs in the area abutting Zone C even further. (See Attachment O)

Furthermore, the Surface Water Protection Overlay District does allow for uses to take place within the overlay district, several of which are allowed withing Commercial 2 zoned areas, through special permit by the Planning Board. (See Attachment O - §675-550(F)(2))

As such, even though Parcel M47-24-1 is located fully within this overlay district and a small portion of Parcel M47-22-4 is located in the overlay, it is the determination of the Administration that this does not make these parcels watershed lands as they still do not meet the definitions for watershed land by the City, Commonwealth, and Federal government. Rather, they are simply further regulated on what can and cannot be done on the areas of these parcels that are included in the Surface Water Protection Overlay District.

This has been confirmed by the City Engineer and the City Building Commissioner acting in his capacity as the City Zoning Enforcement Officer.

Furthermore, if this Zoning Amendment were to pass, it would not remove the provisions of this overlay from these parcels or this area, as the overlay exists independently of the underlying zoning of the area.

**PART H: OPEN SPACE AND RECREATION:**

Page 32 of the 2015 Open Space and Recreation Plan states:

- Properties can experience various degrees of protection and by several methods:*
- *Private lands can be protected in perpetuity or for a specified time through deed restrictions or conservation easements.*
  - *Lands under special taxation programs (Chapter 61, 61A, or 61B) are actively managed by their owners for forestry, agricultural, horticultural, or recreational use. These lands have limited protection.*
  - *Lands acquired for watershed and aquifer protection are usually permanently protected open space.*
  - *Public recreation and conservation lands may be permanently protected open space, provided they have been dedicated to such use by deed.*
  - *Municipal properties may be protected via a City Council vote to acquire them as protected properties.*
  - *Private, public, and non-profit conservation and recreation lands are protected under Article 97 of the Articles of Amendment to the State Constitution. (See Attachment P)*

Working with the City Engineer’s Office, the Administration has determined that these parcels do not relate to parcels listed in this zoning amendment proposal – particularly parcels M47-22-4 and M47-24-1, as listed above.

These lands are both publicly owned by the City so would only relate to the following criteria:

***1: Lands acquired for watershed and aquifer protection are usually permanently protected open space.***

Parcel M47-24-1 was acquired by the City in May of 1888 without mention of conservation, watershed, or protection. The parcel was initially required should Gardner Public Schools ever need the land. This has since been deemed surplus by the School Department and placed under the care and control of the City Administration. (See Attachment Q)

The same can be said for Parcel M47-22-4, which was acquired by the City in 1937, from Harriet Heywood for “consideration paid”. (See attachment R)

Furthermore, as defined above in this document, neither parcel is considered to be watershed land. Even if they were to be considered aquifer protection, there is no documentation as such and the plan even states that these parcels are only “usually” protected. As stated in the section above, the City’s Surface Water Protection Overlay District **does** allow for uses to take place

within the overlay district, rather than providing an outright protection and prohibition of any use. (See Attachment O)

***2: Public recreation and conservation lands may be permanently protected open space, provided they have been dedicated to such use by deed.***

As is evident in the Deed of Parcel M47-22-4 (See Attachment R) and M47-24-1 (See Attachment Q) there are no deed restrictions that require these parcels to be listed as protected open space, recreational, or conservation land.

***3: Municipal properties may be protected via a City Council vote to acquire them as protected properties.***

There are no such votes by the City Council on record for these properties.

Furthermore, on the City's official listing of properties under the ownership of the City, it does not list any parcels in this area as being under the custody, care, and control of the City's Conservation Commission, aside from M47-24-9, which was not included in the original proposal. (See Attachment S)

***4: Private, public, and non-profit conservation and recreation lands are protected under Article 97 of the Articles of Amendment to the State Constitution.***

This Constitutional Amendment provides additional protection for land that has been designated as conservation land in the Commonwealth through an official process of designating the land as conservation land.

This process has been done in the City in locations previously, and is also currently being done in neighboring communities. This process would require that a conservation restriction be voted on for the property and filed with the Commonwealth, which has not been done for the aforementioned properties.

As is seen in Attachment S, there are only thirteen (13) City owned parcels with conservation restrictions located within the City, none of which are included in this proposal. (See Attachment S)

This is further backed by the fact that around 2010, the previous Administration was approached by members of the Patrick – Murray Administration about potentially creating conservation protections to land in this area of the City in return for compensation at a rate of up to \$500 per acre placed in a restriction. However, the previous Administration chose not to undertake this offer and thus no protections were ever voted on by the City Council for this land since then, nor was there any formal intent given to protect the land, but rather a denial of an offer to do so.

***Part H Conclusion:***

As such, none of the parcels listed in the proposed zoning amendment – particularly M47-22-4 and M47-24-1 – should be considered protected open space and recreational lands. Furthermore, Table 2 of Appendix C of the 2015 Open Space and Recreation Plan lists 58 parcels that have a priority ranking for obtaining conservation restrictions for them- these parcels are not included in this list. (See Attachment T)

## **PART I: OPEN SPACE AND RECREATION PLAN**

At the Planning Board Meeting of March 29, 2023, the question was raised regarding the weight of the City’s 2015 Open Space and Recreation Plan.

The resolution that the City Council voted to adopt in order to endorse the City’s 2015 Open Space and Recreation plan stated the following:

*WHEREAS, the OSRP proposal does not seek nor require funding directly, but simply makes recommendations for preservation, maintenance, and for expansion of open space and recreation activities within City boundaries; (emphasis added)*

(See Attachment U)

This action recognizes that the Open Space and Recreation Plan is truly only a plan rather than a binding document. Similar to the City’s Urban Renewal Plan, Housing Production Plan, Master Plan, Economic Development Plan, and other planning documents that the City has created, these plans help guide the City in what the City should look to do, rather than bind the City to specific actions.

This is reaffirmed in the Plan Summary of the 2015 Open Space and Recreation Plan which identifies the plan as a “comprehensive planning document that *guides* future policies and actions.” (See Attachment V)

Such demarcation is further validated on the Commonwealth’s Division of Conservation Services website describing Open Space and Recreation Plans which identifies these types of documents as “tools through which a community plans for the future.” (See Attachment W)

As a result of all of the above, the City’s Open Space and Recreation Plan helps guide the City’s Administration on potential actions that the drafting committee believed the City should take but is not a binding document that regulates what the City can do.

## **CONCLUSION:**

If we as a City want to revitalize our economy, grow our tax base, lessen the tax burden on our residents, provide jobs for those who live here, and provide resources to meet our growing population, then something like this must be done or the City will soon be left behind without reaching its true and full potential.

It is the full opinion of the Administration that this proposal is truly in the best interest of the City and I respectfully request its approval.

The City needs to undertake a smart growth approach to its future in order to fully solidify the City's economic needs not only for now, but for the next generation. This is not a question about whether or not the parcels listed should be protected open space or not. There is currently nothing stopping the City from simply selling the land as is- it would just have to be for housing rather than commercial purposes due to the current Rural Residential 2 Zoning designation.

Should you require any further information, please do not hesitate to contact me at any time.

Respectfully Submitted,



Michael J. Nicholson  
Mayor, City of Gardner

Enclosures:

**EXHIBIT LISTING**

Exhibit	Document
A	Chapter 632 of the City Code
B	Ordinance Document reduced to two parcels
C	Map of new zoning proposal area
D	Ordinance Document showing amendments from original proposal
E	MRPC Route 140 Buildout Analysis Report
F	City Sewer System Map
G	City Water System Map
H	Zoning Parking Regulations §675-710 City Code
I	Letter from Fire Chief regarding motor vehicle accidents on Rt 140
J	Listing of Housing Units Currently under construction/renovation
K	Map of City Watershed compared to proposed parcels for re-zoning
L	1945 Map of City Watershed lands on 140 showing proposed parcels not watershed
M	1954 Map of City Watershed lands showing proposed parcels not watershed
N	1958 Map of City Watershed lands on 140 showing proposed parcels not watershed
O	Surface Water Protection Zoning Overlay District §675-550 City Code
P	2015 Open Space and Recreation Plan Inventory of Lands
Q	Deed for Parcel M47-24-1
R	Deed for Parcel M47-22-4
S	City Assessor Listing of City owned Conservation Restricted Lands
T	2015 Open Space and Recreation Plan Priority Table
U	City Council Resolution to Endorse 2015 Open Space and Recreation Plan
V	Plan Summary of 2015 Open Space and Recreation Plan
W	Mass.gov- Open Space and Recreation Plans

# Attachment A

## Chapter 632. Watershed Lands

[HISTORY: Adopted by the City Council of the City of Gardner 11-16-1981 by Ord. No. 761. Amendments noted where applicable.]

### § 632-1. Purpose.

The purpose of this chapter is to promote and preserve the health and safety of the inhabitants of the City of Gardner by regulating and restricting the use and control of watershed lands as hereinafter defined.

### § 632-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **OIL STORAGE TANKS**

Tanks, drums or other devices used for the storage of any petroleum-based product.

#### **WATERSHED LANDS**

Those areas of land that lie adjacent to the City water supply sources, including but not limited to Crystal Lake, Perley Brook Reservoir and Marm John's Pond, as located and bounded as shown on map of the City of Gardner watershed as updated and on file in the office of the City Engineer. Said map and explanatory matter thereon are hereby made part of this chapter.

### § 632-3. Sale of City-owned watershed land.

The City shall not hereinafter be authorized to sell or otherwise dispose of in fee any City-owned watershed lands.

### § 632-4. Oil storage tanks.

[Amended 11-18-2013 by Ord. No. 1563]

- A. Oil storage tanks presently located on watershed lands shall be regularly inspected by the Director of Public Health for evidence of rupture or spills.
- B. Any oil storage tanks installed after the adoption of this chapter shall have inspection manholes located outside of and at each end of the tank. The Director of Public Health may also require, in his discretion, additional inspection manholes. Such inspection manholes shall reach the soil level at the bottom of said tanks and shall regularly be inspected by the Director of Public Health. No oil storage tank shall be installed without the plans therefor being previously approved by said Director of Public Health.

### § 632-5. Sale of timber on City-owned watershed lands.

[Amended 11-18-2013 by Ord. No. 1563]

All revenues derived from the sale of timber or other resources on City-owned watershed land shall be deposited in the Water Reserve Account; provided, however, that 5% of such revenues each year shall be used for forest conservation purposes, under the direction of the Director of Public Works.



# Attachment B

**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 two (2) parcels of land situated northernly and southernly of Route 140 Street, being parcels M47-22-4 and M47-24-1 (that portion west of bike trail parcel M42-20-7) on the City of Gardner Assessor's Map.

Total area of proposed zoning change being approximately 177 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.

# Attachment C

**LEGEND**

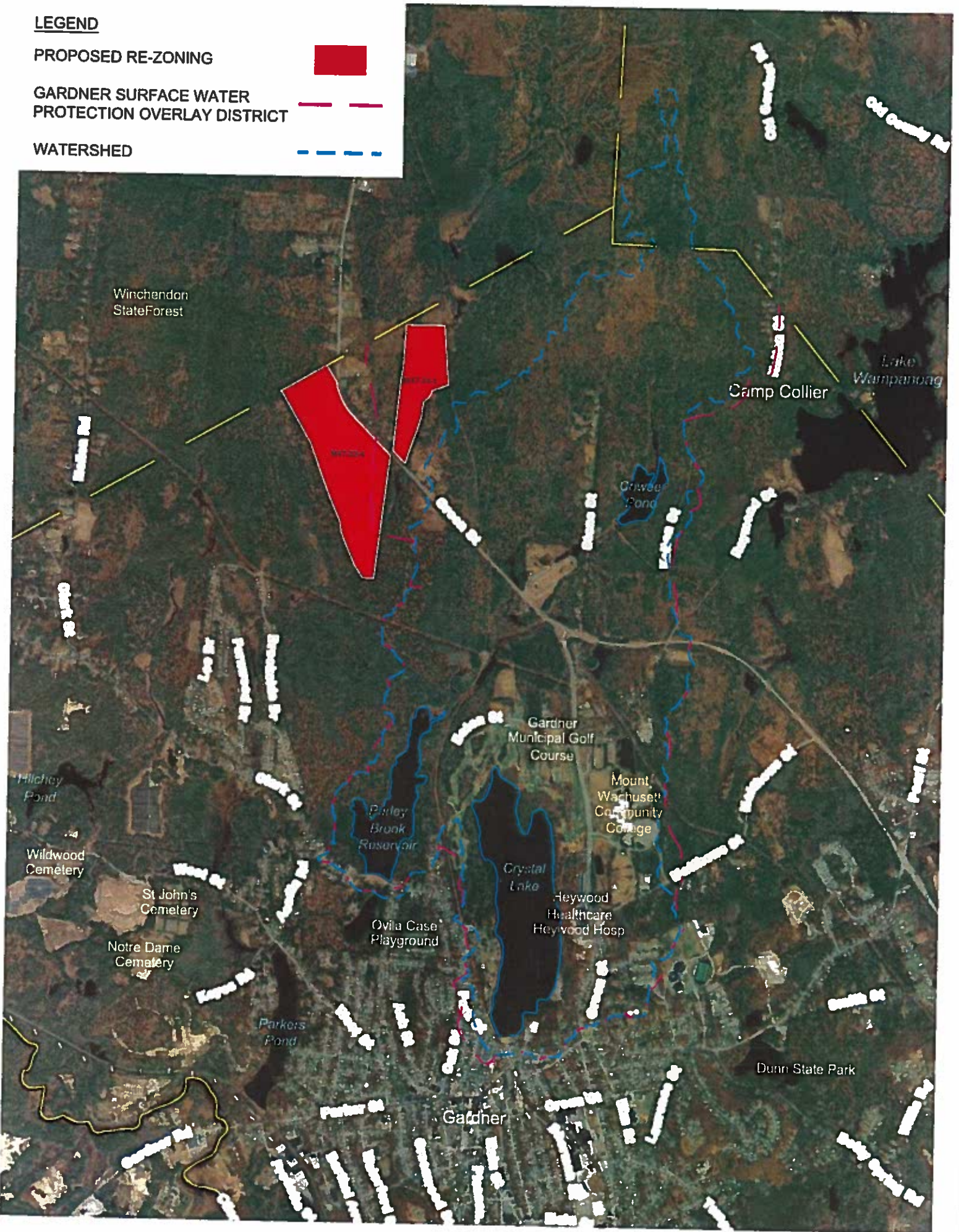
**PROPOSED RE-ZONING**



**GARDNER SURFACE WATER PROTECTION OVERLAY DISTRICT**



**WATERSHED**



# **Attachment D**

**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:

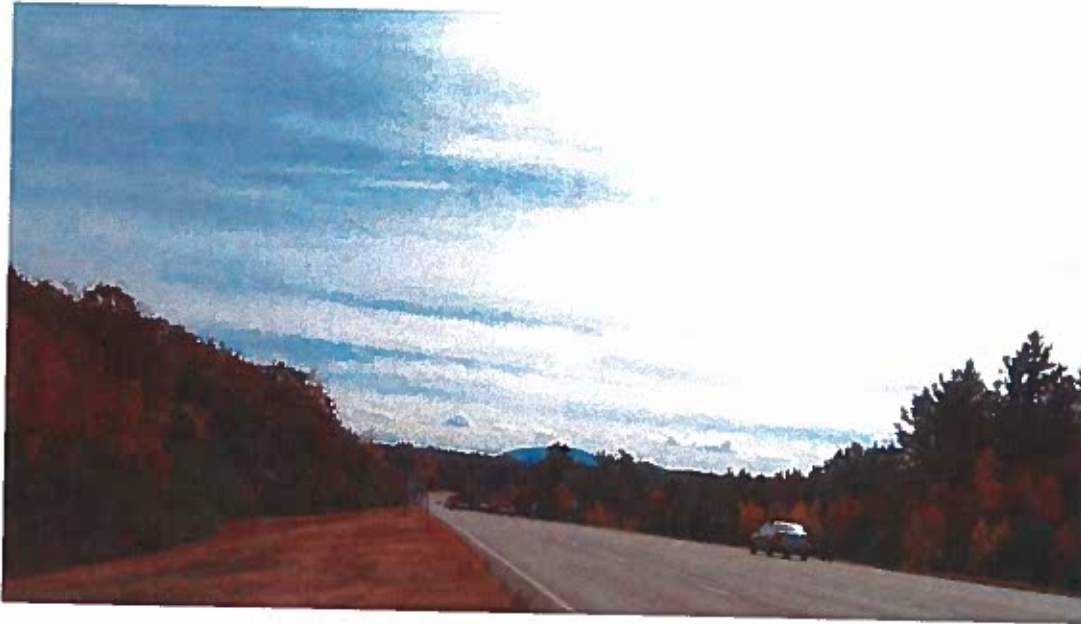
**SECTION 1:** By changing the classification from Rural Residential 2 to Commercial 2 for ~~twelve (12)~~ two (2) parcels of land situated northernly and southernly of Route 140 Street, being parcels M47-22-4, and M47-24-1 (that portion west of bike trail parcel M42-20-7), ~~M42-8-8, M42-8-5, M42-20-7, 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~~ 177 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.

# Attachment E

**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**

**William Scanlan**

**November 30, 2010**

**Assistance Provided under Montachusett Regional Planning Commission's  
District Local Technical Assistance Program (DLTA) with  
Funding Provided by the Commonwealth of Massachusetts**



## CREDITS

The Montachusett Regional Planning Commission (MRPC) provided assistance for this project with funding provided by the Massachusetts Department of Housing and Community Development (DHCD) under the District Local Technical Assistance (DLTA) program. Under Chapter 205 of the Acts of 2006, the DLTA program enables staff of Regional Planning Agencies to provide technical assistance to communities for “any subject within regional planning expertise”.

### Route 140 Steering Committee

Ed Goss	Gardner GIS Coordinator
Robert Hankinson	Gardner City Engineer
Rob Hubbard	Gardner Community Development and Planning Director
Neil Janssens	Gardner City Councilor
Marie Auger	Westminster Planning Board
Karen Murphy	Westminster Town Administrator
Domenica Tatasciore	Westminster Town Planner
Ellen DeCouteau	Winchendon Planning Agent
Jim Kreidler	Winchendon Town Planner
Gerald White	Winchendon Grants Administrator
John White	Winchendon Planning Board

### Report Credit

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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.

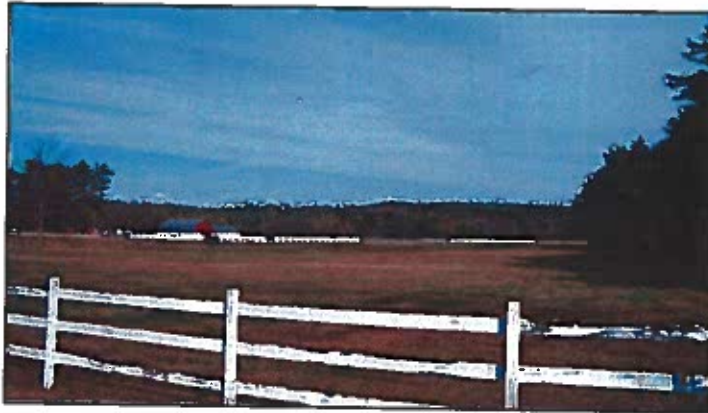
### BUILDOUT METHODOLOGY

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
Percent	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 0.33 means that a 10,000-sq. ft. lot could accommodate 3,300 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.

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<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	338,412		
<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 - SF R1	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 1,358 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.

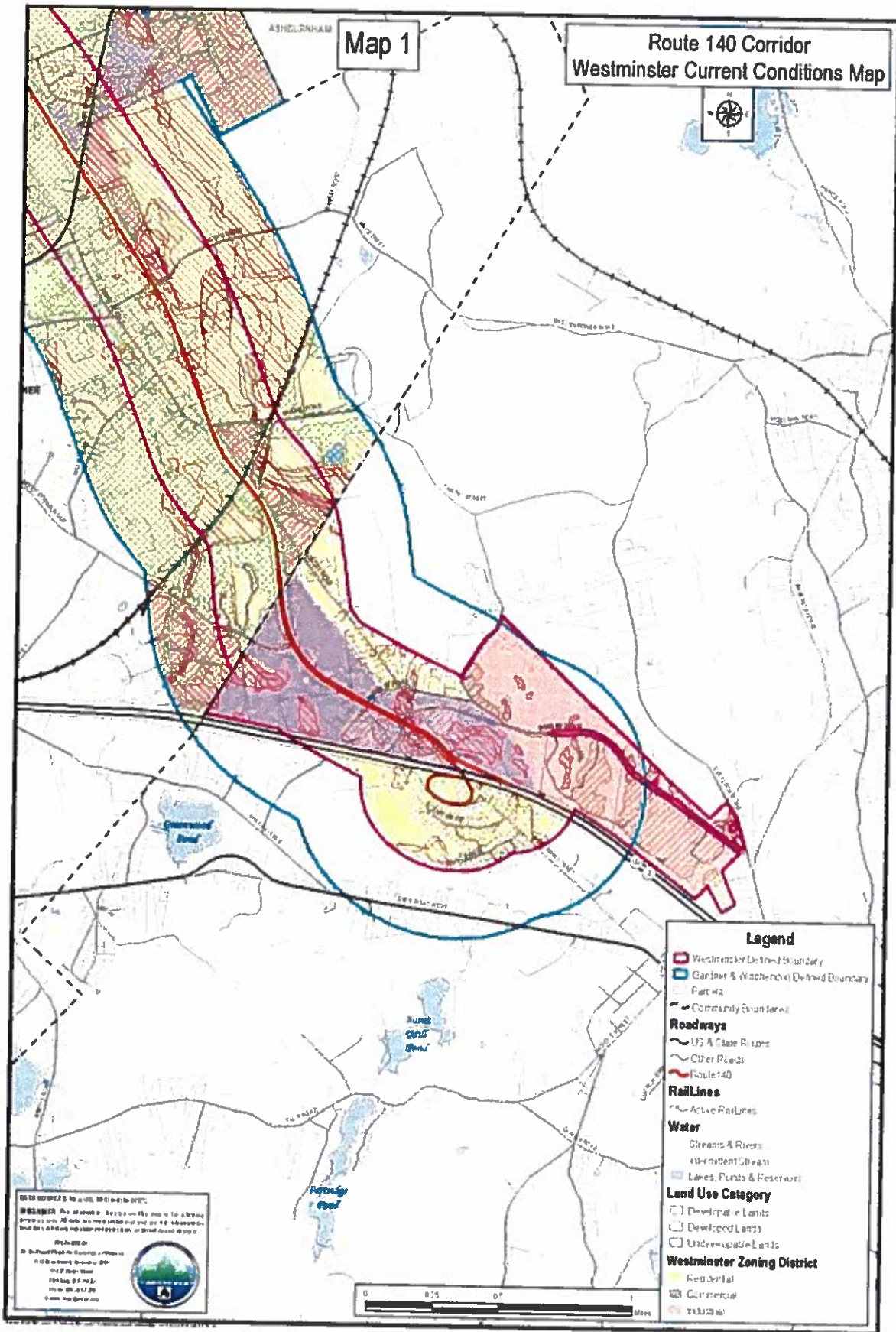
1. Implement access management controls by limiting the number of curb cuts directly onto Route 140, requiring common driveways where feasible, and connecting adjoining properties through internal access roads to lower the number of turning movements onto the highway. Winchendon's Gateway Overlay District 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.

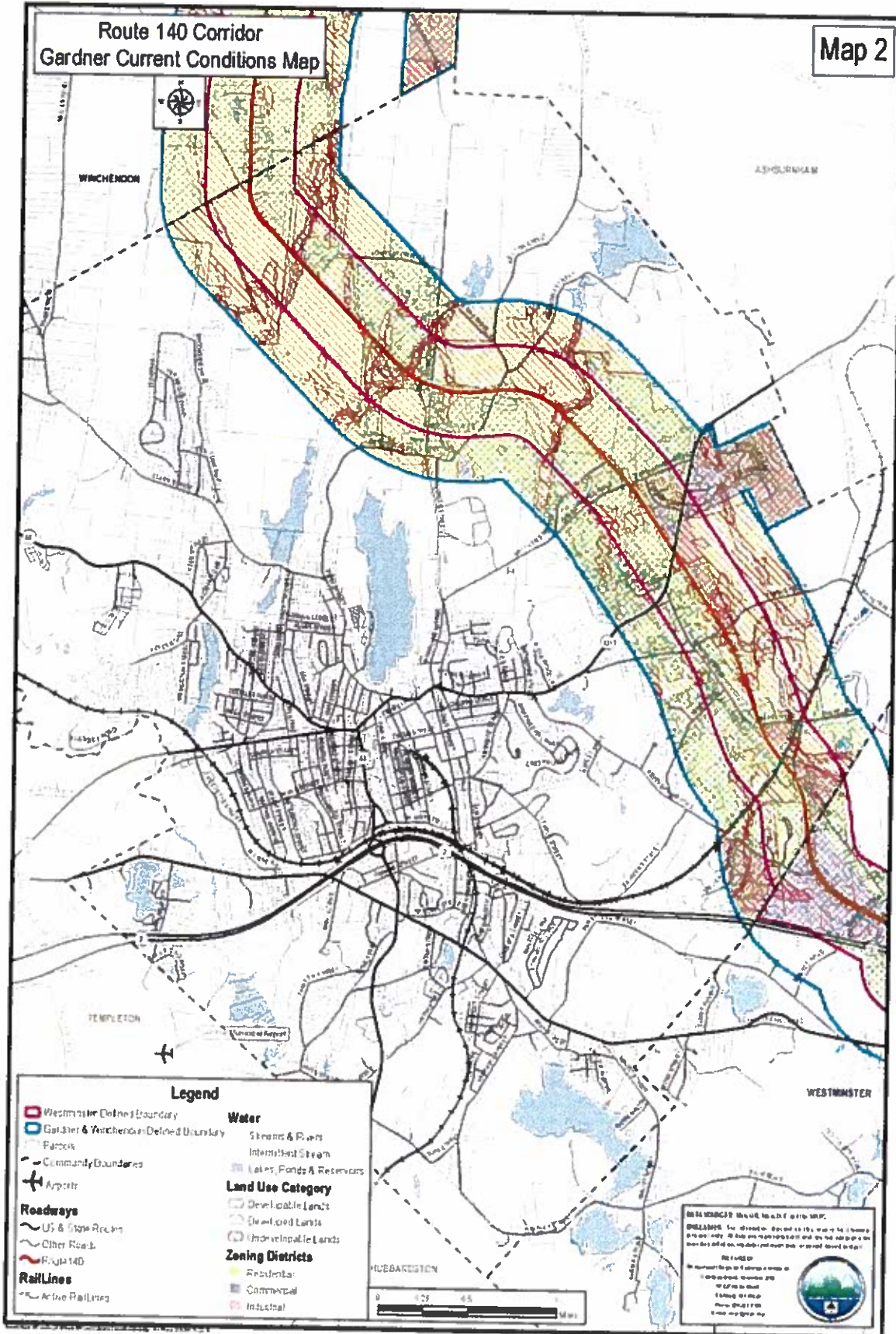
8. Continue to analyze re-zoning opportunities in Winchendon and Gardner as outlined in the alternative growth scenarios discussed above.
9. Provide connecting links to the North Central Pathway rail trail as a way to promote commuter access by bicycle. Continue to extend the trail along its entire proposed 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.

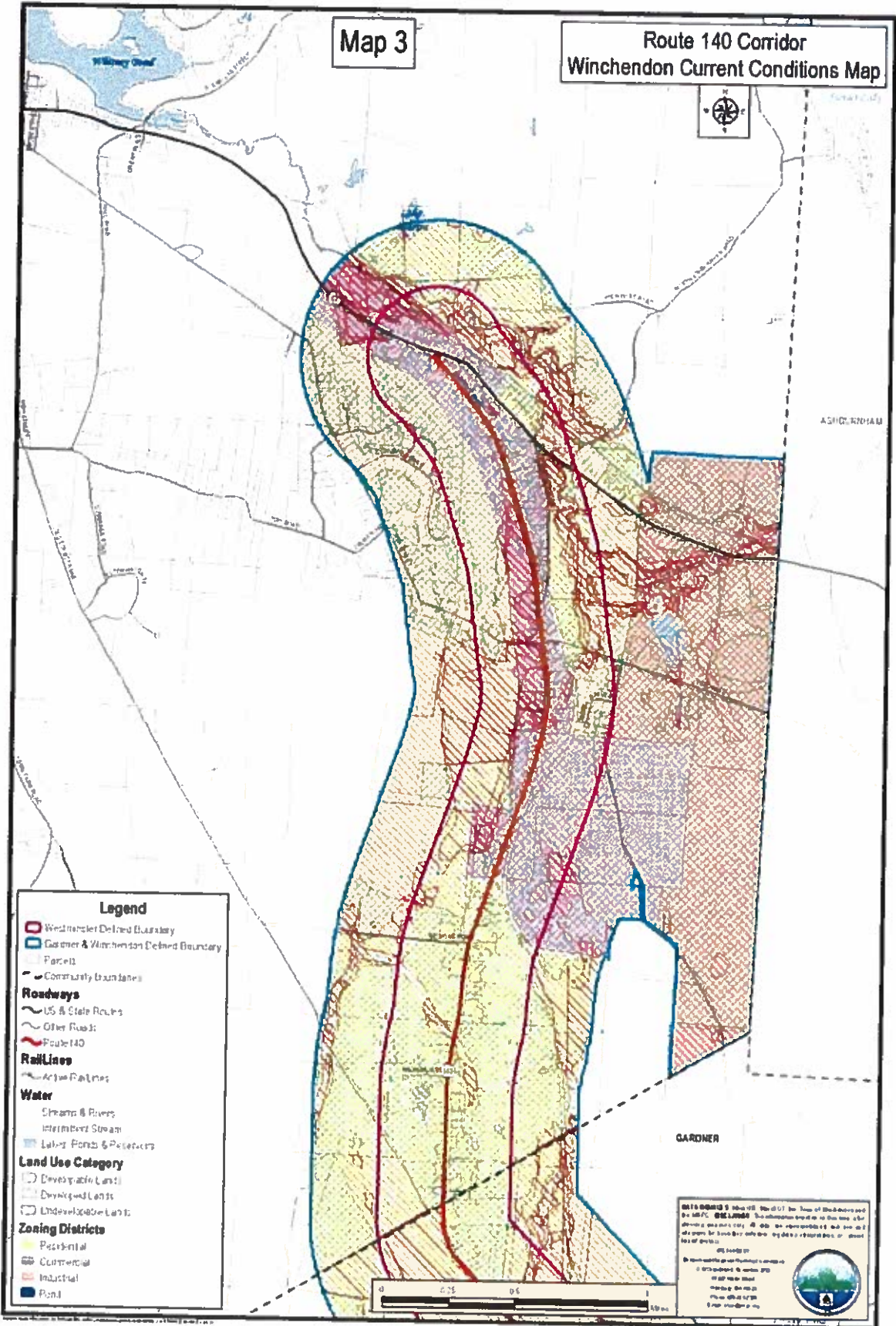


**Route 140 Corridor  
Gardner Current Conditions Map**

**Map 2**

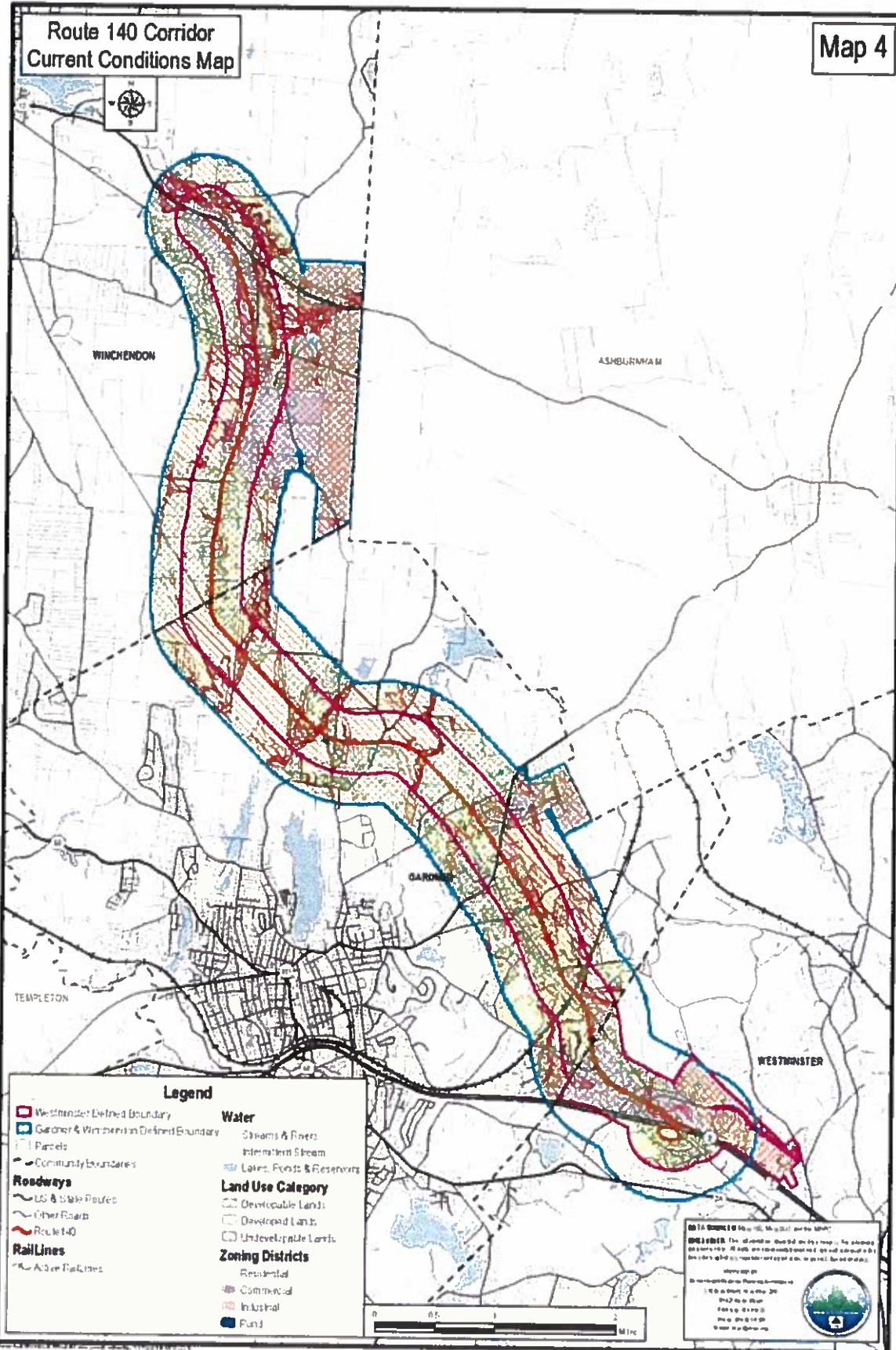






Route 140 Corridor  
Current Conditions Map

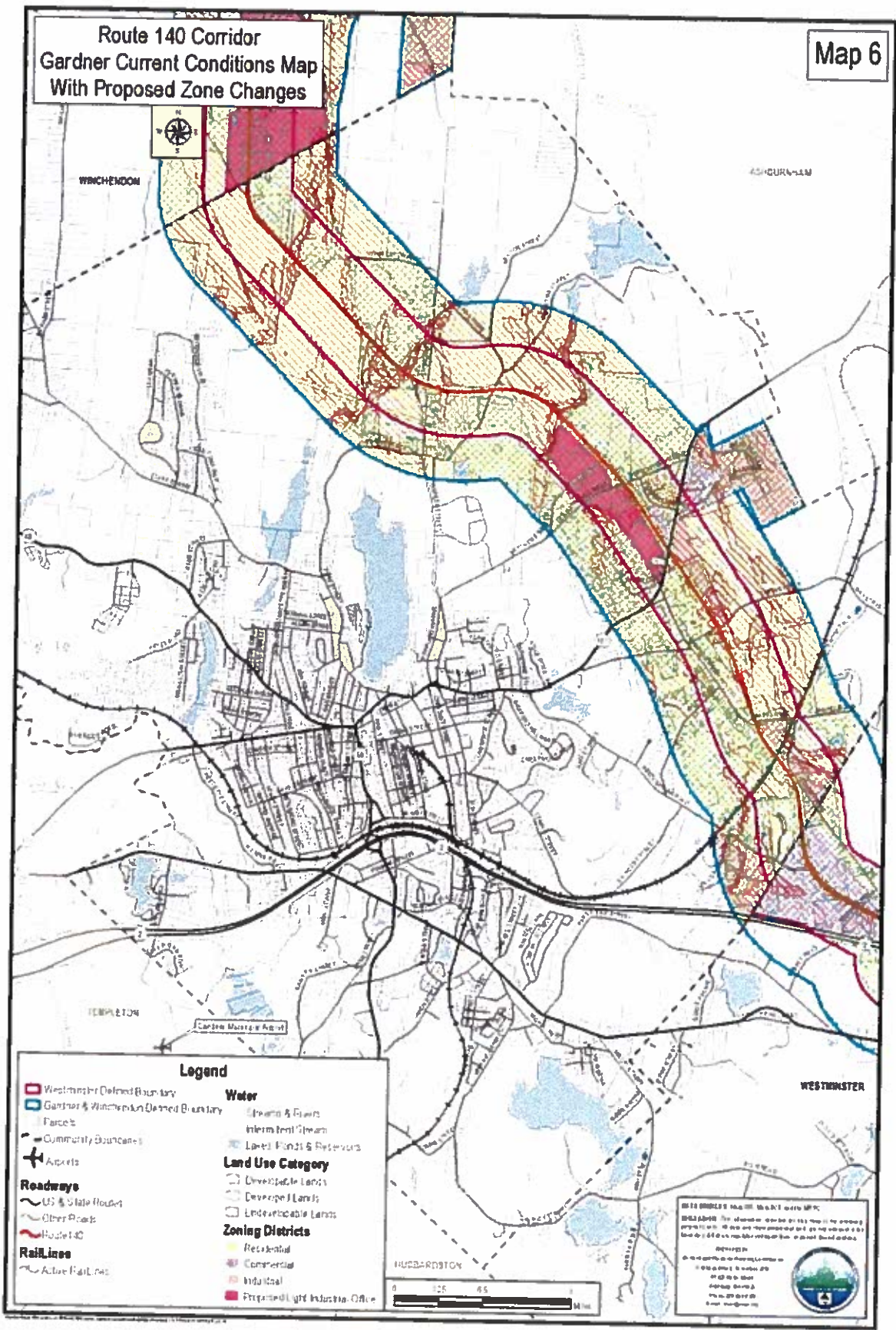
Map 4





**Route 140 Corridor  
Gardner Current Conditions Map  
With Proposed Zone Changes**

**Map 6**



**Legend**

Westminster Defined Boundary	<b>Water</b>
Gardner & Winchendon Defined Boundary	Stream & Rivers
Fence	Interim Stream
Community Boundaries	Lakes, Ponds & Reservoirs
Airports	<b>Land Use Category</b>
<b>Roadways</b>	Developable Lands
US & State Routes	Developable Lands
Other Roads	Undevelopable Lands
Route 140	<b>Zoning Districts</b>
<b>Rail Lines</b>	Residential
Active Rail Lines	Commercial
	Industrial
	Proposed Light Industrial Office

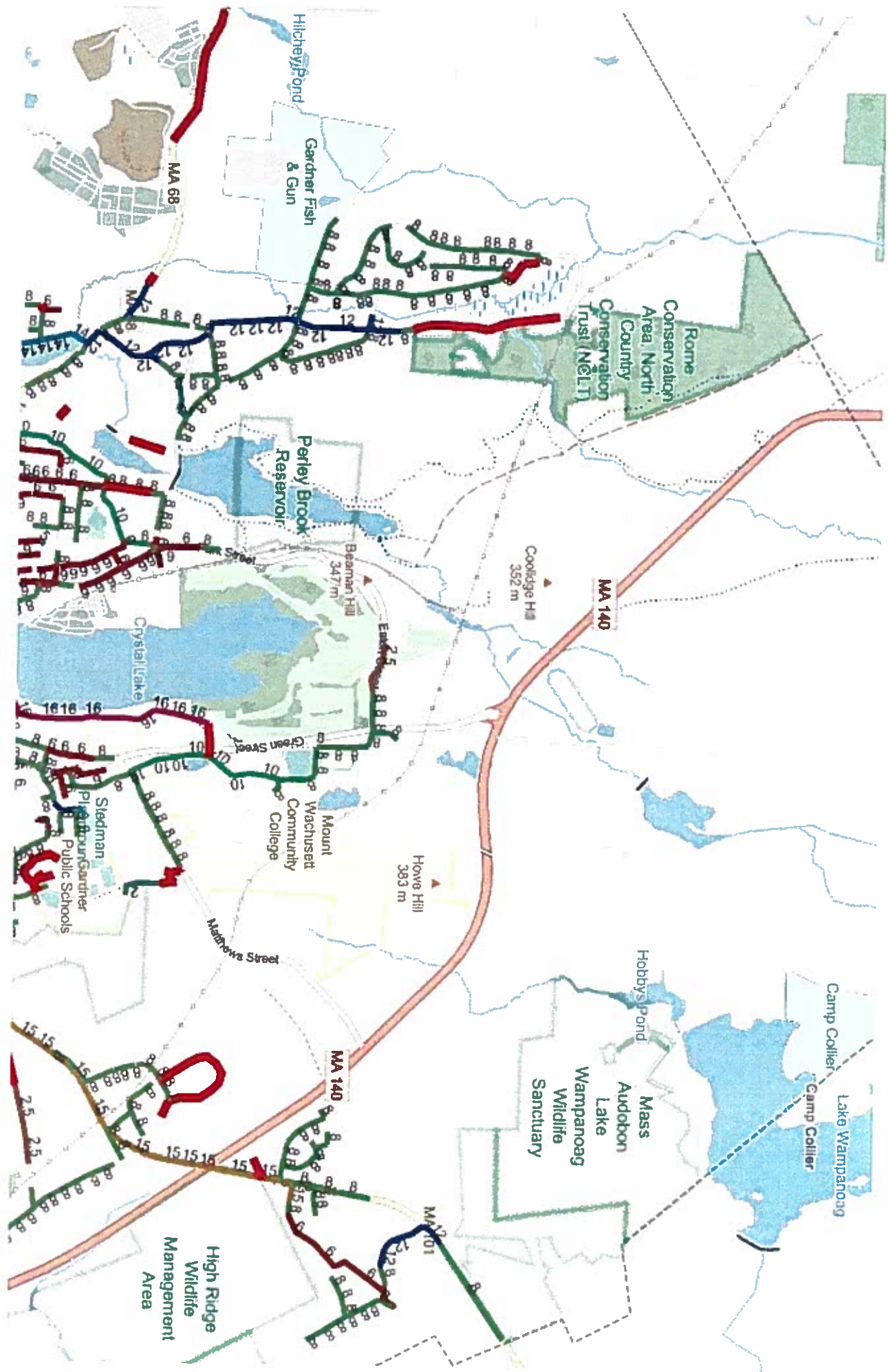


**Map 6**

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Map 6 is a current conditions map of the Route 140 Corridor in Gardner, Massachusetts. It shows the current zoning districts and proposed changes. The map is based on the Gardner Zoning Ordinance and the Gardner Comprehensive Zoning Ordinance. The map is intended for informational purposes only and does not constitute a contract or any other legal instrument. The Gardner Regional Planning Board is not responsible for any errors or omissions on this map.

# Attachment F



# Attachment G





# Attachment H

## Chapter 675. Zoning

### Article VII. Off-Street Parking, Loading and Drive-Through Standards

#### § 675-710. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

**ACCESS DRIVEWAY**

The travel lane that allows motor vehicles ingress from the street and egress from the site.

**BUILDING SERVICE AREA**

A room or rooms in a building used to house electrical or mechanical equipment necessary to provide central utility service to the building, such as a boiler room.

**DRIVE-THROUGH**

Consists of stacking lanes and drive-up window to allow a drive-through facility to provide such products or service(s).

**DRIVE-THROUGH FACILITY**

An establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in vehicles that are in designated stacking lanes. A drive-through may be in combination with other uses, such as a bank, personal service shop, retail store, eating establishment or gas station.

**INTERIOR DRIVEWAY**

A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces. An interior driveway shall not include any part of the access driveway.

**MANEUVERING AISLE**

A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.

**NET FLOOR AREA**

The total of all floor areas of a building, not including storage areas, stairways, elevator wells, rest rooms, common hallways and building service areas.

**PARKING STALL LENGTH OF LINE**

The longitudinal dimension of the stall measured parallel to the angle of parking.

**STACKING LANE**

An on-site queuing or pass-through lane for motorized vehicles that is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signage.

**WIDTH OF PARKING STALL**

The linear dimensions measured across the stall and parallel to the maneuvering aisle.

#### § 675-720. General provisions.

Except as otherwise provided in this article, no building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided on site in

accordance with this article.

A. Change of use. For all zoning districts, except COM1, a change in use where the existing use (or in the case of a vacancy, the next previous use) did not provide for the number of on-site parking spaces required by this chapter, then the proposed use shall only have to provide an additional number of parking spaces equal to the increase, if any, between the number required under this chapter for the existing use and the number required for the proposed use.

B. Commercial 1 Districts.

(1) For COM1 Districts, no additional parking is required for the following:

- (a) A change in use or rearrangement of uses in an existing building that does not increase the total floor area within the building.
- (b) The replacement of an amount of floor area equal to that in existence at the time of enactment of this amendment to this chapter.
- (c) The addition of a second story to one-story buildings.
- (d) Federal, state or municipal uses.

(2) Having applied Subsection B(1)(a), (b), (c) and (d) immediately above, an increase in total floor area that results in a net increase in the number of required parking spaces may be accommodated off site when adequate municipal parking facilities are available to serve the land use. Adequacy of municipal parking facilities shall be determined via the site plan review application and review procedures, § 675-1010, Site plan review, of this chapter. A major entrance of the land use should be within 500 feet of the municipal parking facility. Shared parking opportunities should be recognized where the same parking space can be utilized by two or more different land uses due to differences in principal hours for the uses involved.

C. Residential uses.

(1) Each parking area may have one access driveway which shall be a maximum of 24 feet wide.

(2) Each parking area may have one additional access driveway for each 200 feet of frontage, provided that all such access driveways shall be at least 200 feet apart on the parking area measured from the center line of each access driveway.

(3) No parking space or other paved surface, other than an access driveway(s) shall be located within five feet of any lot line.

## § 675-730. Undetermined uses.

Where the use of a building or buildings has not been determined at the time of application for a building permit or special permit, the plan shall demonstrate that the parking requirements applicable to the most intensive use allowed in the district where such undetermined use is to be located can be provided, however, that the number of parking spaces actually built need not exceed the number required by the actual use or uses of the building.

## § 675-740. Relief from parking regulations.

In the following instances, relief from parking regulations may be granted:

A. By special permit from the Zoning Board of Appeals, pursuant to § 675-1170, Special permits:

- (1) In the case of a change from a nonconforming use to a conforming use, that the benefits of a change to a conforming use outweigh the lack of parking spaces; or
- (2) In the case of a change from one conforming use to another conforming use, that the lack of parking spaces will not create undue congestion or traffic hazards on or off the site.

- B. By the Planning Board pursuant to § 675-1010, Site plan review, or where it is acting as the special permit granting authority pursuant to § 675-1170, Special permits, where it determines the grant of a waiver would not be detrimental to the functioning of the site and would not create undue congestion of traffic hazards on or off the site.

## § 675-750. Schedule of parking uses; loading areas.

- A. Comparable use requirements. Where a use is not specifically included in the schedule of parking uses, it is intended that the regulations for the most nearly comparable use specified shall apply.

- B. Schedule of parking uses.

Principal Use	Parking Spaces Required
Dwelling	1 per dwelling unit with 1 or fewer bedrooms; 2 per dwelling unit with 2 or more bedrooms
Home occupation	1 per nonresident employee
Motel or hotel	1 per room plus 1 per 400 square feet of public meeting area and restaurant space
Bed-and-breakfast	2 spaces, plus 1 per guest unit
Assisted living; nursing home; group/rest home; rooming house	1 per 2 beds
Educational/schools	
Nursery/child care	3 per 1,000 gross square feet
Elementary/middle/junior	1.2 per employee
High school	0.25 per student
College and university	1.2 per 1,000 gross square feet
Hospital	3 per patient bed
Convenience retail	2 per 1,000 square feet of gross floor area
Retail store	1 per 200 square feet of net floor area for store with gross floor area up to 5,000 square feet of net floor area and 1 per 250 per 1,000 square feet of net floor area greater than 5,000 of net floor area
Bank	1 per 200 square feet of net floor area
Business or professional office and personal service establishment	1 per 300 square feet of net floor area
Libraries, museums and art galleries	2.5 per 1,000 square feet of gross floor area
Medical or dental office	4.2 per 1,000 square feet of gross floor area
Restaurant	1 per 4 seats
Fast-food restaurant	1 per 70 square feet of net floor area
Religious; club or lodge; civic center or other place of assembly	1 per 75 square feet of assembly area or 1 per 4 seats, whichever is greater
Motor vehicle general and body repair	1 per each service bay plus 1 per employee
Motor vehicle light service	2 per service bay plus 1 per employee
Mixed use	Sum of various uses computed separately
Public transit station	1 per 250 square feet devoted to office and public uses plus sum of other uses computed separately
Transportation terminal	1 per 250 square feet devoted to office use plus 1 per company vehicle operating from premises
Veterinary clinic/kennel, commercial	2 per 1,000 square feet plus 1 per employee

**Principal Use**  
Industrial/manufacturing

**Parking Spaces Required**  
1 per 2,000 square feet of net floor area for the first 20,000 square feet, plus 1 per each additional 10,000 square feet

- C. Loading areas. One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks and other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid conflicts with vehicles and pedestrians using the site or vehicles and pedestrians using adjacent sites.

**§ 675-760. Standard dimensional regulations for off-street parking facilities.**

Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking	Width of Parking Stall (feet)	Parking Stall Length of Line (feet)	Width of Maneuvering Aisle (feet)
90° (2-way)	9.0	18	24
60° (1-way)	10.4	22	18
45° (1-way)	12.7	25	14
Parallel (1-way)	8.0	22	14
Parallel (2-way)	8.0	22	18

**§ 675-770. Design requirements for parking lots, facilities and drive-throughs.**

A. Parking location and layout.

- (1) To the extent feasible, parking areas shall not be located to the forward of any building front line on the lot.



- (a) Notwithstanding the above, the Planning Board may grant permission during site plan review to locate not more than eight parking spaces in front of the principal building, where such location promotes a better site layout. As condition of such permission, the Board may require that provisions be made for a common access way linking the property with existing or future adjacent uses.
- (2) Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking space or other paved surface, other than an access driveway(s) or walkway(s), shall be located within 10 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface other than an access driveway(s) or walkway(s) shall be located within the limits of a landscaped buffer area.
- (3) Each parking area may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than 36 feet wide at its widest point. Each parking area may have one

additional access driveway for each 200 feet of frontage, provided that all such access driveways shall be at least 200 feet apart on the parking area measured from the center line of each access driveway. In the case of an access driveway which shall be used for one-way traffic only, the minimum width may be reduced to 14 feet at its narrowest point.

- (4) Interior driveways, other than maneuvering aisles, shall be at least 20 feet wide for two-way traffic and 14 feet for one-way traffic.
  - (5) Adequate provisions for snow removal and/or snow storage must be made and indicated on site plans. Landscaped areas may not be used for snow storage.
- B. Lighting and landscaping requirements.** All surface parking areas containing more than eight spaces shall be laid out and enhanced by landscaping in accordance with the following standards:
- (1) Parking areas, loading areas, storage areas, refuse storage and disposal areas, and service areas shall be screened from view, to the extent feasible, from all public ways and from adjacent properties, using planted buffers, berms, natural contours, fences or a combination of the above.
  - (2) Parking areas shall contain 150 square feet of planted areas per 1,000 square feet of parking proposed, appropriately situated throughout the parking area to break up large expanses of pavement.
  - (3) Screening.
    - (a) Parking areas shall be screened along their perimeters from adjacent streets and properties using a combination of the following:
      - [1] A buffer strip of at least 10 feet in width of densely planted shrubs or trees which are at least 2.5 feet high at the time of planting and are of a type that may be expected to form a year-round screen; parking areas containing more than 25 spaces shall require a planted buffer strip of 20 feet in width.
      - [2] A wall, barrier, or fence of uniform appearance. There shall be a landscaped strip with a minimum width of three feet between the base of the wall, barrier, or fence and any street or abutting property. The wall, barrier, or fence is recommended to be three feet in height and shall not be more than six feet in height.
      - [3] A landscaped earth berm at least three feet in height and 18 feet in width.
      - [4] The screening as required herein shall be located so as not to conflict with any corner visibility requirements or any other City ordinances. Such screening may be interrupted by entrances or exits.
  - (4) All artificial lighting shall be not more than 11 feet in height in pedestrian areas, and 20 feet in parking areas, and shall be arranged and shielded to prevent direct glare from the light source onto any public way or any other property. All parking areas which are used at night shall be lighted as evenly and fully as possible. The Planning Board shall require that the applicant provide the type, energy efficiency, and intensity (lumens) of all proposed and replacement lighting for the parking areas.
- C. Structured parking design guidelines.** Placement of off-street parking spaces in structures is encouraged to limit impervious surfaces, promote efficient use of land, and enhance streetscapes. Parking structures are subject to the following performance standards:
- (1) Parking structures shall be no more than 40 feet in height. The height and mass of the structure should be consistent with the urban design fabric within which the structure is to be located.
  - (2) The exterior facade should maintain a horizontal line throughout. The sloping nature of the interior structure, necessary in the design of parking structures, should not be repeated on the exterior facade.
  - (3) Facades that face public rights-of-way should incorporate a repeating pattern that includes color change, texture change and material change, each of which should be integral parts of the structure, not superficially applied trim, graphics, or paint. In addition, vertical elements should be incorporated into the exterior facade design to create a repeating pattern. This can be accomplished using

reveals, projecting ribs, or offsets. All such elements should repeat at intervals of no more than 30 feet.

- (4) A wall or other screening of sufficient height to screen parked vehicles and which exhibits a visually pleasing character should be provided. In commercial districts with an existing or planned urban design fabric, ground-level retail use is encouraged to enhance the streetscape. Where retail is not practical, other amenities, such as an art wall, are encouraged as means of enhancing the streetscape. The ground level of the structure should never consist of a featureless length of a wall.
- (5) Pedestrian entrances should be well defined and attractive.
- (6) Areas of vehicular entry should be located on the side or the rear of the structure wherever possible to attract less attention. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage.
- (7) Building should take advantage of site topography to minimize the vehicular entry where possible.
- (8) Interior and exterior lighting shall be arranged to ensure public safety and shielded to prevent direct glare onto any public way or any other property. The Planning Board shall require the applicant to provide the type and intensity (lumens) of all proposed lighting for the parking structure.

**D. Drive-through performance and design standards.**

- (1) Purpose. The purpose of this section is to protect the health, safety, welfare and convenience of residents, minimize traffic congestion, and maintain the architectural integrity of the surrounding area by requiring performance standards for the construction and operation of drive-through facilities.
- (2) Administration.
  - (a) Drive-through facilities may be allowed by special permit from the Gardner Planning Board in the Commercial 1, Commercial 2, and in some cases Industrial 1 Zoning Districts, provided the facility meets the requirements of this Article VII and the dimensional requirements for the underlying zoning. The Planning Board shall follow the procedural requirements for special permits as set forth in MGL c. 40A, § 9, and Article XI, § 675-1170, of the City of Gardner Zoning Code.
  - (b) No special permit for any drive-through facilities shall be issued without site plan approval first having been obtained from the Planning Board, § 675-1010, Site plan review, of the Zoning Code. In addition to the standard set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within the City of Gardner Zoning Code.
- (3) Performance and design standards. Drive-through facilities shall comply with the performance and design standards set forth in this section. The Planning Board may impose additional conditions or alter performance and design standards if it finds that a substantially better design will result from such additional or alternate standards. In so doing, the Planning Board shall consider how such additions or alterations will impact public safety, character of the neighborhood, and the environment.
  - (a) Traffic impact study (TIS). The Planning Board shall require that a traffic impact study (TIS) be prepared by a registered professional engineer who is a member of the Institute of Transportation Engineers (ITE). The purpose of a TIS is to document existing traffic conditions in the vicinity of the proposed drive-through facility, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures to mitigate any adverse impacts on traffic, as stated in the following:
    - [1] Existing traffic conditions: average daily and peak-hour volumes, average and peak speeds, sight distances, appropriate and pertinent accident data, levels of service of intersections and streets likely to be affected by the proposed project. Generally, such data shall be presented for all streets and intersections adjacent to or within 500 feet of the project's boundaries. The data will be no more than 24 months old upon submittal unless other data is specifically approved by the Planning Board.
    - [2] Projected impact of proposed project: projected peak-hour and daily traffic generated by the drive-through on roads and ways in the vicinity; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity;

projected postdevelopment traffic volumes and levels of service of intersections and streets likely to be affected by proposed project.

(b) Site development plan.

- [1] The site development plan, prepared by a registered professional civil engineer and registered land surveyor, shall comply with the development plan requirements identified in § 675-1010 of the City of Gardner Zoning Code and shall accompany the site plan review and special permit applications.
- [2] The proposed site development plan shall incorporate recommendations of the traffic impact study. The following guidelines shall be used to evaluate compliance with the standards herein:
  - [a] Requires a minimum of two stacking lanes: one lane to be used for product or service delivery and one, at a minimum, to be used as an outlet for traffic flow and public safety vehicle access. No matter how many stacking lanes are used for product or service delivery, a minimum of one stacking lane shall be included in the design as an outlet for traffic flow and public safety vehicle access.
  - [b] Entrances to stacking lane(s) shall be clearly marked and shall be a minimum of 40 feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
  - [c] Each stacking lane shall be 10 feet in width along all portions of the lane(s).
    - [i] Fast-food restaurants shall have a minimum of 10 spaces for stacking cars accessing the ordering window or speaker. If pickup/payment windows are provided separately, the stacking distance between windows and/or speaker(s) shall be a minimum of two stacking spaces.
    - [ii] Banks, service and retail establishments shall have a minimum of five stacking spaces for cars accessing a drive-through window or speaker.
  - [d] Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
  - [e] Stacking lanes shall be designed to prevent congestion, both on site and on adjacent streets. Stacking lane layout:
    - [i] Shall be integrated with the on-site circulation pattern;
    - [ii] Shall minimize conflicts between pedestrian and vehicular traffic by providing physical and visual separation between the two;
    - [iii] Shall be located at the side or rear of buildings;
    - [iv] Shall provide an emergency bypass or exit;
    - [v] Shall not impede or impair access into or out of parking spaces;
    - [vi] Shall not impede or impair vehicular or pedestrian traffic movement;
    - [vii] Shall not interfere with required loading and trash storage areas;
    - [viii] Shall not enter or exit directly into a public right-of-way.
  - [f] Locate buildings with drive-through along the front lot line closest to the street edge whenever possible.
  - [g] Layout of outdoor service equipment, menu signs and speaker boards.
    - [i] There shall be one sign permitted for each stacking lane used for product or service delivery.



- [ii] Signs shall be a maximum of 40 square feet, with a maximum height of seven feet, and shall follow requirements of Article IX, Signs and Advertising Devices. P.O.S. signs placed on a menu sign shall not cause the menu sign to exceed these maximum standards.
- [iii] Menu signs and speaker boards shall be physically shielded from any public street and residential properties by landscaping or other means.
- [iv] Outdoor speakers shall be directed away from abutting properties.
- [h] Trash receptacles should be placed strategically within the drive-through layout to minimize litter on site.
- [i] Provide sufficient setbacks, buffer, and screening from residential or other abutting properties, including sound- and light-attenuating barriers when appropriate.

# Attachment I



## CITY OF GARDNER

**FIRE DEPARTMENT**  
70 CITY HALL AVENUE  
GARDNER, MA 01440-2671

**OFFICE OF FIRE CHIEF**  
**GREGORY F. LAGOY**

**(978) 632-1616 Ext. 5**  
**FAX (978) 630-4028**

March 28, 2023

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

Good afternoon Mr. Mayor,

After researching Fire Department Incident data, I have found the following regarding Motor Vehicle Accidents on Route 140/Green Street (#827 & up) from 2013 through 2023:

Total Fire Department responses for all types of MVA's - 191  
Of those, total number that were reported as having injuries - 125

If you would like any more information regarding this data, please feel free to contact me.

Respectfully,

Gregory F. Lagoy  
Fire Chief

# Attachment J

### Housing Units in Gardner Under Construction/Renovation

	Location	Number of Housing Units
Permitted/In Design	104-108 Main St	3
	104-108 Parker St.	4
	105-107 Washington St.	5
	14 Greenwood St.	3
	14-24 Parker St	12
	147 Pleasant St.	4
	161-163 Washington St.	6
	163-165 Pine St.	8
	183 Greenwood St.	3
	19 Franklin Ct.	6
	20 Rock St	2
	2-10 Parker St	18
	211 Sherman St.	3
	221 Regan St.	3
	25 Main St	14
	27 Oak Street	3
	280-320 Central Street	24
	29-31 Franklin Ct.	7
	309 Central St	12
	31 Harvard St.	3
	315-317 Pleasant St.	7
	38 Baker St.	4
	40-46 Glenwood St	10
	42-52 Parker St	29
	45 Greenwood St.	7
	53 Monadnock St	1
	58 Osgood St	1
	64-66 Peabody St.	7
	66-68 Graham St	9
	74 Park St.	3
171 Vernon St	3	
88-98 Main St.	13	
94 Pleasant St	3	
99 Main St.	4	
Chelsea St Land	2	
Sale Pending	School St School	30
	73 Stuart St	7
Based on Proposals Submitted	Rear Main St	100
	West Broadway	35
	Prospect St School Leamy St	All Housing Proposals ** 2 Multi Family Units **
Pending PB/Zoning	Clark St	90
	140 East	12
<b>TOTAL:</b>		<b>520</b>

\*\* Proposals not included in total due to still being evaluated

# **Attachment K**

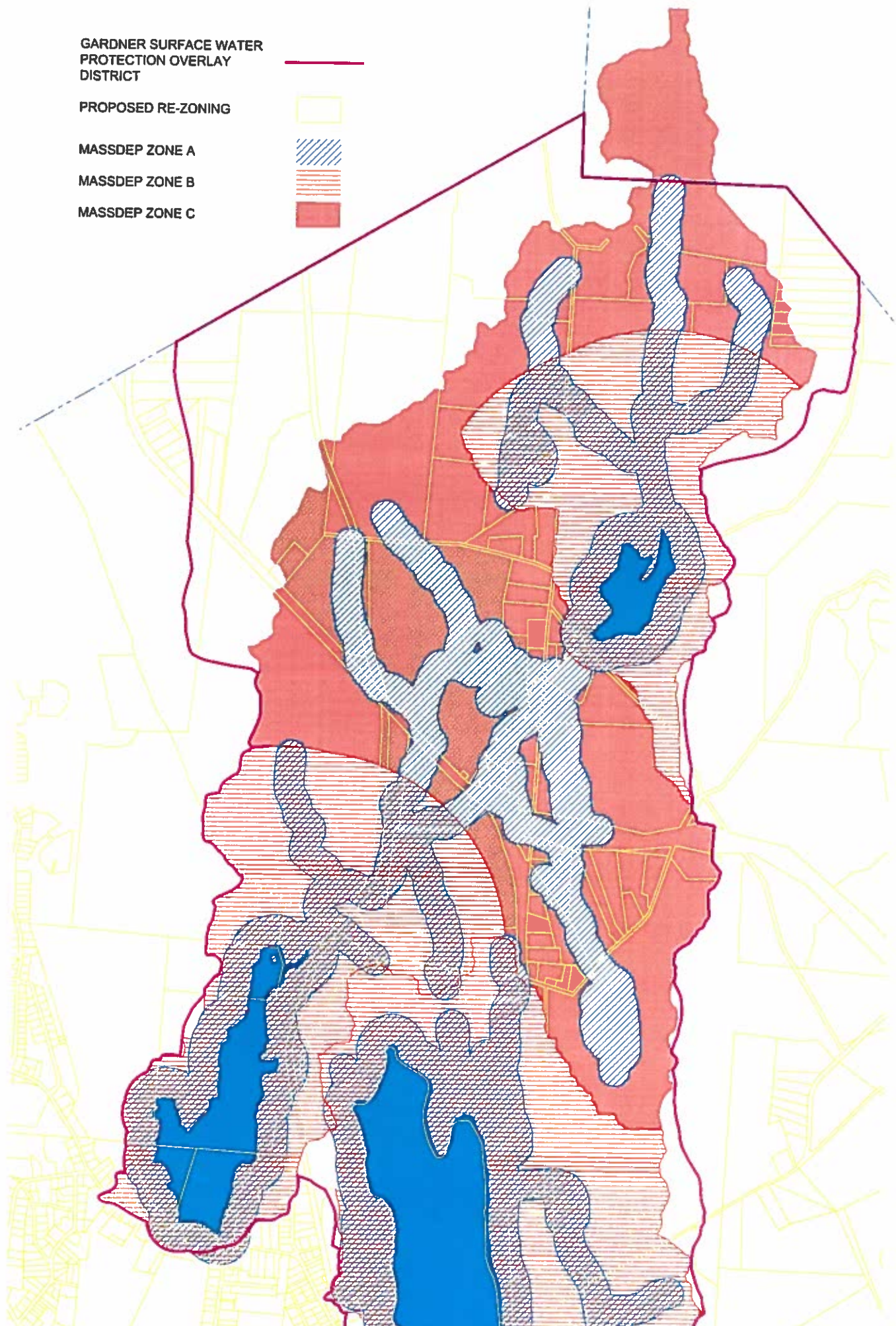
**GARDNER SURFACE WATER  
PROTECTION OVERLAY  
DISTRICT**

**PROPOSED RE-ZONING**

**MASSDEP ZONE A**

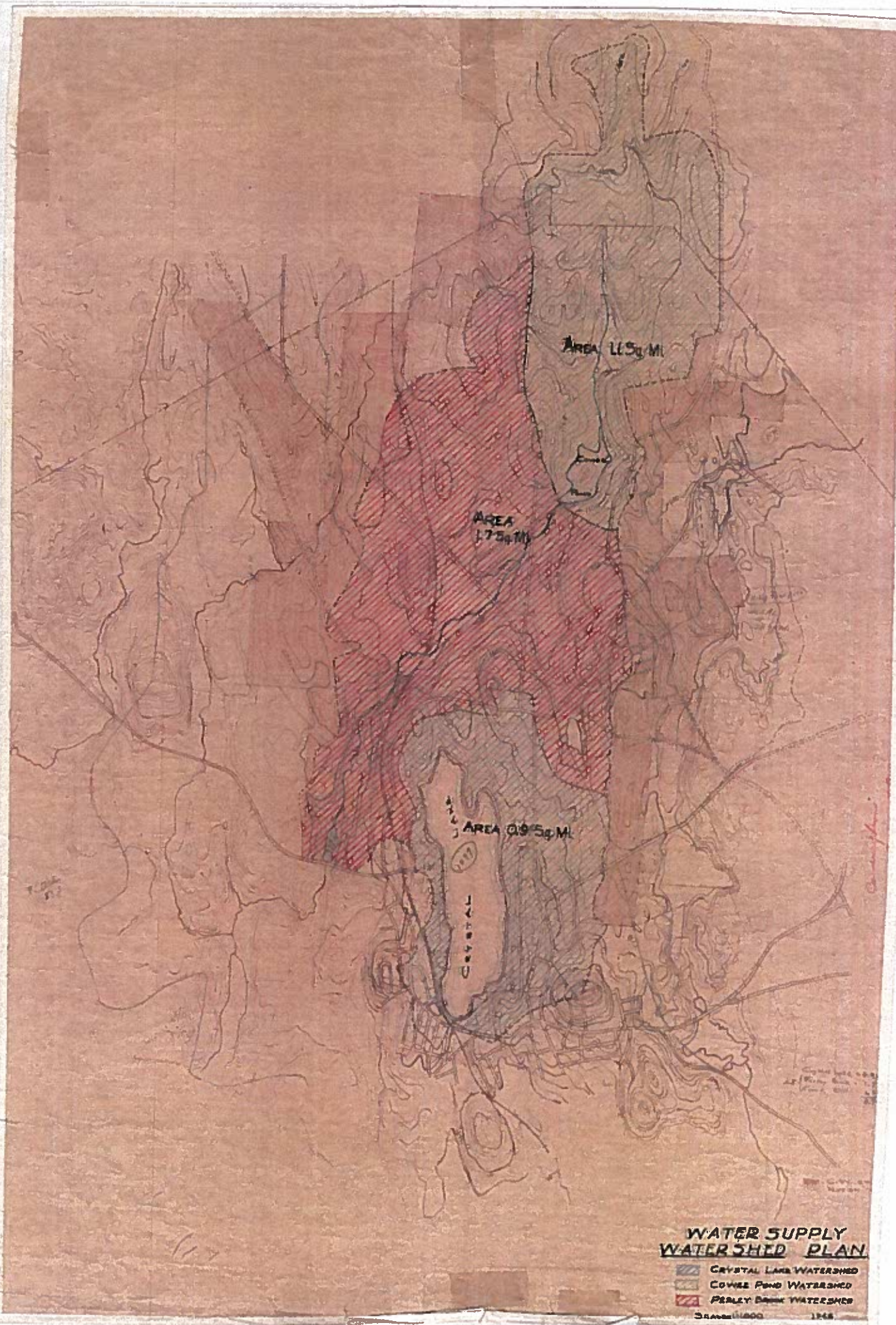
**MASSDEP ZONE B**

**MASSDEP ZONE C**



# **Attachment L**



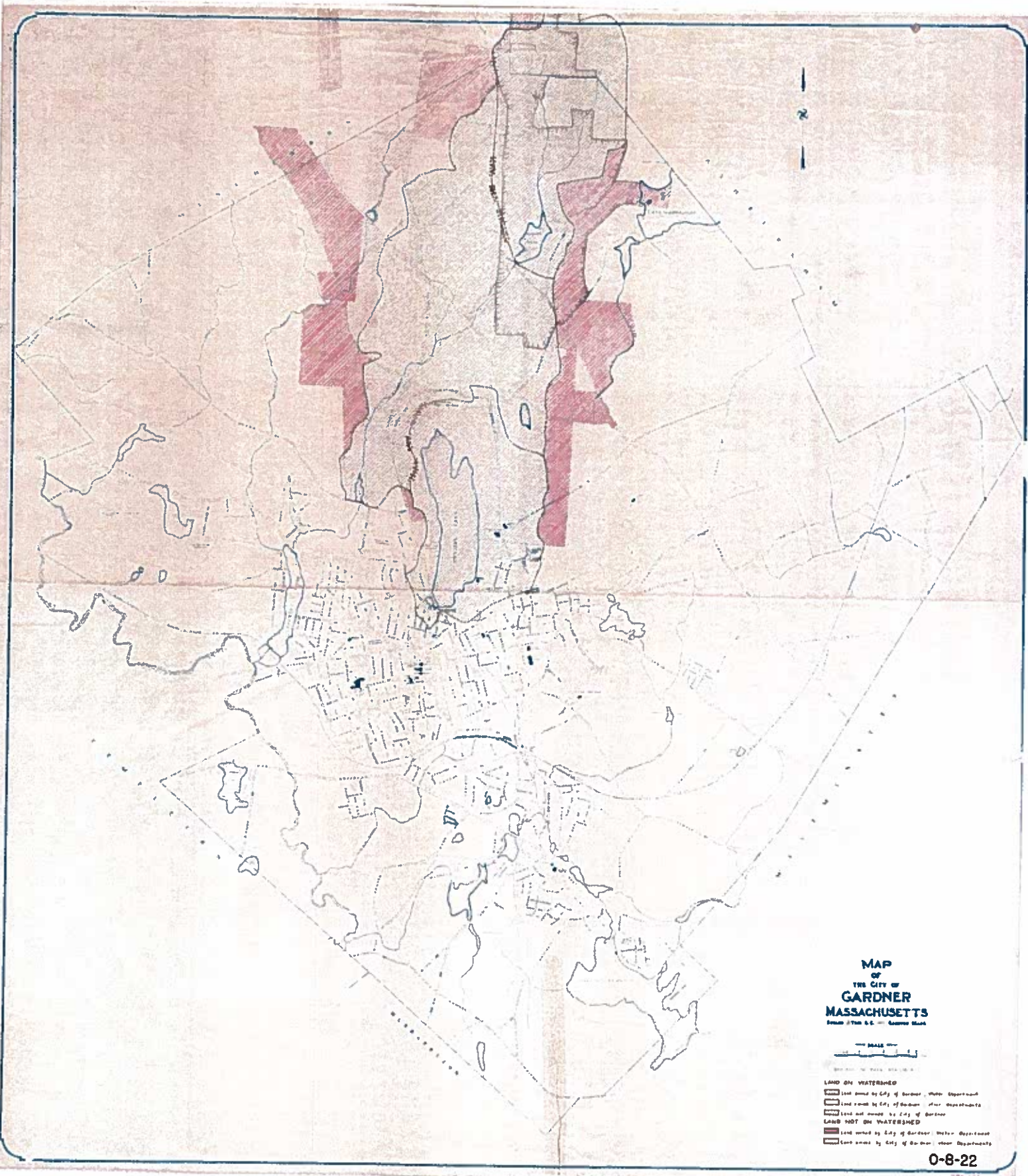


**WATER SUPPLY  
WATERSHED PLAN**

-  CRYSTAL LAKE WATERSHED
-  COVILE FOND WATERSHED
-  PEARLY DRINK WATERSHED

Scale 1:500 1968

# **Attachment M**



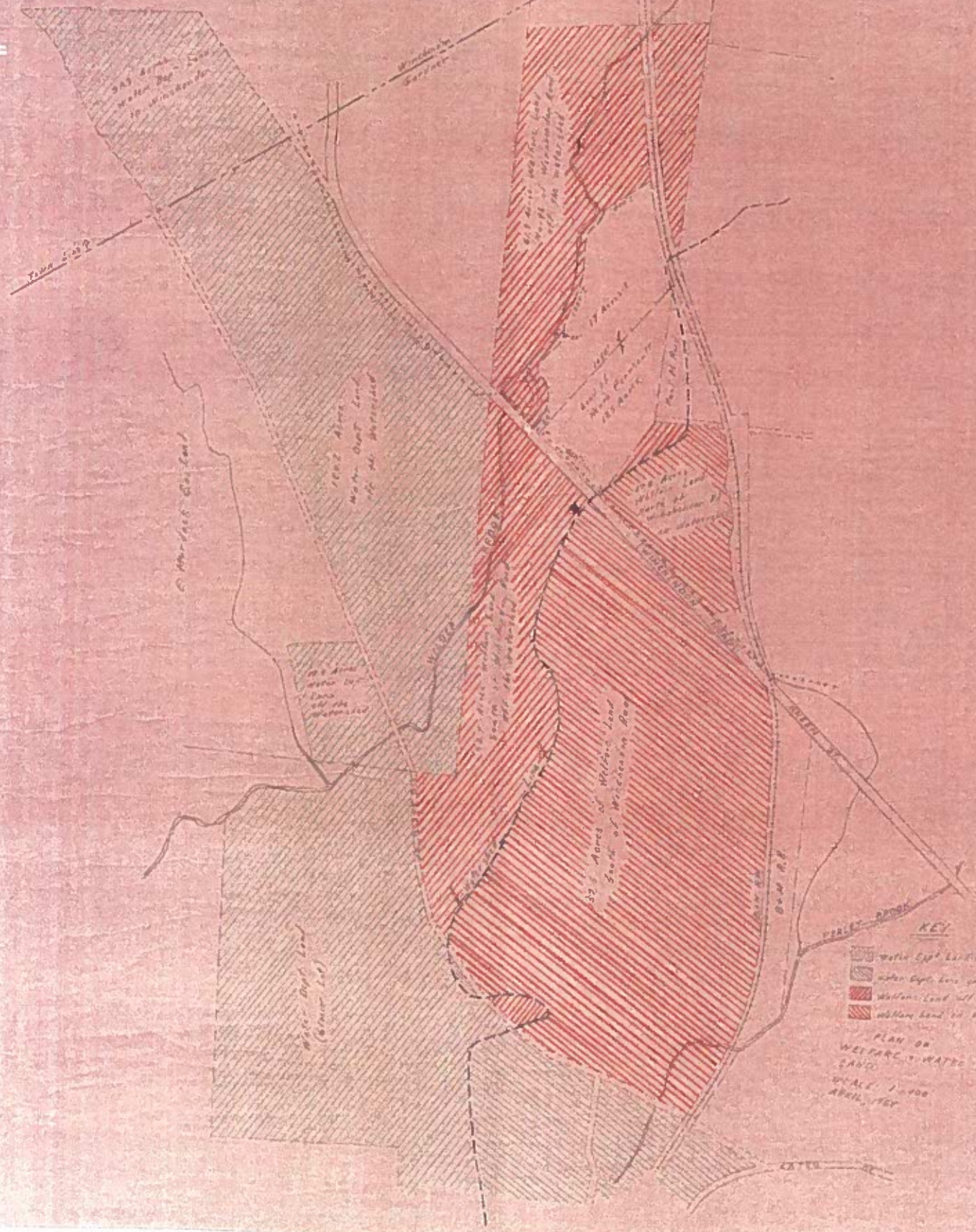
**MAP  
OF  
THE CITY OF  
GARDNER  
MASSACHUSETTS**

Scale 1/25000 A.C. - General Map

- LAND ON WATERSHED**
- Land owned by City of Gardner, Water Department
  - Land owned by City of Gardner, other departments
  - Land not owned by City of Gardner
- LAND NOT ON WATERSHED**
- Land owned by City of Gardner, Water Department
  - Land owned by City of Gardner, other departments

0-8-22

# **Attachment N**



345 Acres of Water Land

WINDING GARDEN

MOUNTAIN ROAD

MOUNTAIN ROAD

1000 Acres of Water Land

100 Acres of Water Land

100 Acres of Water Land





100 Acres of Water Land

100 Acres of Water Land

100 Acres of Water Land

100 Acres of Water Land

KEY

-  Water Exp. Land in Water
-  Water Exp. Land in Water
-  Water Land in Water
-  Water Land in Water

PLAN OF WEEPORE WATER LAND  
SCALE 1:1000  
APRIL 1900

# **Attachment 0**

- (3) Multifamily dwellings.
- (4) Assisted living facilities.
- (5) Convenience retail.
- (6) Business or professional office.
- (7) Restaurant.
- (8) Office building.

D. Density and dimensional requirements.

- (1) The minimum common open space requirement of the overall tract in the RR2 shall be 30%, exclusive of areas located in floodplains and wetlands. In the COM2, IND1 and IND2, the minimum common open space requirement of the overall tract is 20%, exclusive of areas located in floodplains and wetlands.
- (2) Multifamily residential structures shall contain no more than eight units per building and shall be clustered to foster neighborhood connections. Residential density shall not exceed 20 units per acre, to be calculated exclusive of areas located in flood zones and wetlands.
- (3) The area developed for residential use shall not exceed 50% of the overall tract, exclusive of areas located in floodplains and wetlands.
- (4) Setbacks. Industrial uses shall be set back a minimum of 20 feet from commercial uses and 50 feet from residential uses. The Planning Board retains the authority to increase minimum setbacks at its discretion in the interest of safety, circulation, or other factors.
- (5) Maximum building height shall be 65 feet.

E. Parking and other requirements.

- (1) Parking shall be in accordance with those requirements set forth in § 675-750, Schedule of parking uses. The Planning Board may allow for shared use parking if the applicant can prove the specified parking demand will occur at different and offsetting times of day. The use of shared parking is encouraged to reduce impervious surfaces and enhance overall design of the development.
- (2) Proposed developments which include over 12 residential units shall require 20% of the overall number of units to be affordable to persons and families earning 80% or less of the area's median income, and these units shall remain affordable for a minimum period of 30 years.

F. Site plan review. All developments proposed for SGPUD shall undergo site plan review. For the convenience of the applicant, site plan review and applications for a special permit pursuant to this section shall be held concurrently. The applicant will be responsible for submitting a request and meeting all submission requirements concurrently in order to streamline notice and hearing requirements.

**§ 675-550 Surface Water Protection Overlay District.**

A. Purpose. The purpose of the Surface Water Protection Overlay District is to:

- (1) Promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses;
- (2) Preserve and protect existing and potential sources of drinking water supplies;
- (3) Conserve the natural resources of the City; and
- (4) Prevent temporary and permanent contamination of the environment.

B. Authority. The Surface Water Protection Overlay Districts are adopted pursuant to authority provided by MGL c. 40A and the Home Rule Amendment, Article 89 of the Amendments to the Constitution of the commonwealth.

C. Definitions. For the purposes of this section, the following words and phrases shall be defined as follows. References to statutes and regulations shall be deemed a reference to such law or regulation as of the effective date of this section.

**AUTOMOBILE GRAVEYARD AND JUNKYARD**

An establishment or place of business which is used, maintained, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts, as defined in MGL c. 140B, § 1.

**CMR**

Code of Massachusetts Regulations.

**COMMERCIAL FERTILIZER**

Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, as defined in MGL c. 128, § 64.

**DEP**

Massachusetts Department of Environmental Protection.

**HAZARDOUS MATERIAL**

Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, solvents and thinners in quantities greater than normal household use, and all substances defined as hazardous or toxic under MGL c. 21C and 21E and 310 CMR 30.00.

**HAZARDOUS WASTE**

Any waste defined in the Massachusetts Hazardous Waste Regulations, 310 CMR 30.010. This includes, but is not limited to, waste oil, waste solvents, waste oil-based paint and waste pesticides.

**IMPERVIOUS SURFACE**

Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

**LANDFILL**

A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

**MGL**

Massachusetts General Laws.

**NONSANITARY WASTEWATER**

Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage, including but not limited to activities specified in the Standard Industrial Classification (SIC) codes set forth in 310 CMR 15.004(6).

**OPEN DUMP**

A facility operated or maintained in violation of the Resource Conservation and Recovery Act [42 U.S.C. § 4004(a) and (b)], 42 U.S.C. § 6901 et seq., or state regulations and criteria for solid waste disposal.

**PETROLEUM PRODUCT**

Petroleum or petroleum by-product, including but not limited to fuel oil, gasoline, diesel, kerosene, aviation jet fuel, aviation gasoline, lubricating oils, oily sludge, oil refuse, oil mixed with other wastes, crude oils, or other liquid hydrocarbons regardless of specific gravity. "Petroleum product" shall not include liquefied petroleum gas, including but not limited to liquefied natural gas, propane or butane.

**POTENTIAL DRINKING WATER SOURCES**

Areas that could provide significant potable water in the future.

**RECHARGE AREAS**

Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include DEP-approved Zone I, Zone II, or Zone III areas.

**SEPTAGE**

The liquid, solid, and semisolid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. "Septage" does not include any material that is a hazardous waste as defined by 310 CMR 30.000.

**SLUDGE**

The solid, semisolid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. "Sludge" does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

**SURFACE WATER PROTECTION OVERLAY DISTRICT**

Those land areas designated on a map adopted pursuant to this section that provide recharge to an existing or planned public drinking water supply well. The Surface Water Protection District includes all areas designated as a Zone A and Zone B as approved by the DEP and Zone C+.

**TREATMENT WORKS**

Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

**VERY SMALL QUANTITY GENERATOR**

Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

**WASTE OIL RETENTION FACILITY**



A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c. 21, § 52A.

#### **ZONE A**

The land area between the surface water source and the upper boundary of the bank, and the land area within a 400-foot lateral distance from the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a), and the land area within a 200-foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

#### **ZONE B**

The land area within 1/2 mile of the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a), or edge of watershed, whichever is less. However, Zone B shall always include the land area within a 400-foot lateral distance from the upper boundary of the bank of the Class A surface water source.

#### **ZONE C+**

The land area not within Zone A and Zone B delineated on a map titled "City of Gardner Water Supply Protection Districts" prepared by the Engineering Department, dated revised January 5, 2011.

- D. Establishment of districts. The Surface Water Protection Overlay Districts, which consist of Zone A, Zone B and Zone C+, are herein established as overlay districts. These districts are described on a map titled "City of Gardner Water Supply Protection Districts," prepared for the Gardner Engineering Department, dated revised January 5, 2011. The map is on file in the office of the City Engineer. Said map is hereby incorporated as part of the Zoning Map of Gardner, Massachusetts, on file in the City Clerk's office.
- E. Boundary disputes.
- (1) Resolution of boundary disputes. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the Planning Board as special permit granting authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.
  - (2) Burden of proof. The burden of proof shall be upon the owner(s) of the land to demonstrate that the location of the district boundary with respect to a parcel(s) of land is uncertain. At the request of the owner(s), the SPGA may engage a professional engineer or land surveyor or other qualified expert to determine more accurately the boundaries of the district with respect to individual parcels of land and may charge the owner(s) for the cost of the investigation.
  - (3) Lot divided by district line. Where the boundary line of the Surface Water Protection Overlay District divides a lot or parcel, the requirements established by this section shall apply only to the portion of the lot or parcel located within the district.
  - (4) Amendment of map. Amendments to the map of the Surface Water Protection Overlay District require City Council approval.
- F. Use regulations. The Surface Water Protection Overlay Districts are overlay districts superimposed over the underlying districts set forth in this chapter. Within a Surface Water Protection Overlay District, the requirements of the underlying district continue to apply, except where the requirements of the Surface Water Protection Overlay District are more stringent.
- (1) Prohibited uses in Zones A, B and C+. The following uses are prohibited within Zone A, Zone B and Zone C+ of the Surface Water Protection Overlay District:
    - (a) Facilities that, through their acts or processes, generate, treat, store or dispose of hazardous waste that is subject to MGL c. 21C and 310 CMR 30.000, except for the following:
      - [1] Very small quantity generators, as defined by 310 CMR 30.000; and
      - [2] Treatment works approved by the Department designed in accordance with 314 CMR 5.00 for the treatment of contaminated groundwater or surface water.
    - (b) Uncovered or uncontained storage of fertilizers.
    - (c) Uncovered or uncontained storage of road or parking lot de-icing and sanding materials.
    - (d) Storage or disposal of snow or ice, removed from highways and streets, outside of Zone A, that contains de-icing chemicals.
    - (e) Uncovered or uncontained storage of manure.
    - (f) Junk and salvage operations.
    - (g) Aboveground storage of liquid hazardous material, as defined in MGL c. 21E, or liquid propane or liquid petroleum products, except as follows:
      - [1] The storage is incidental to normal household use, outdoor maintenance, or the heating of a structure; use of emergency generators; or a response action conducted or performed in accordance with MGL c.

21E and 310 CMR 40.000 and which is exempt from a groundwater discharge permit pursuant to 314 CMR 5.05(14); and

[2] The storage is either in a container(s) or aboveground tank(s) within a building or outdoors in a covered container(s) or aboveground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater. However, these storage requirements do not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline, provided that the replacement is performed in accordance with applicable state and local requirements.

(h) Treatment or disposal works subject to 314 CMR 3.00 or 5.00, except the following:

[1] The replacement or repair of an existing treatment or disposal works that will not result in a design capacity greater than the design capacity of the existing treatment or disposal works;

[2] Treatment or disposal works for sanitary sewage if necessary to treat existing sanitary sewage discharges in noncompliance with 310 CMR 15.000, the State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, provided that the facility owner demonstrates to the Department's satisfaction that there are no feasible siting locations outside of Zone A. Any such facility shall be permitted in accordance with 314 CMR 5.00 and shall be required to disinfect the effluent. The Department may also require the facility to provide a higher level of treatment prior to discharge;

[3] Treatment works approved by the DEP designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314 CMR 5.05(3) or (13); and

[4] Discharge by a public water system of waters incidental to water treatment processes.

(2) Uses prohibited in Zone A but allowed by special permit in Zone B and C+:

(a) Sand and gravel excavation operations;

(b) Motor vehicle repair operations;

(c) Cemeteries (human and animal) and mausoleums;

(d) Solid waste combustion facilities or handling facilities as defined at 310 CMR 16.00;

(e) Land uses that result in the rendering impervious of more than 15%, or more than 20% with artificial recharge, or 2,500 square feet of any lot, whichever is greater;

(f) Commercial outdoor washing of vehicles and commercial car washes; and

(g) All underground storage tanks.

G. Special permit procedures.

(1) Special permit granting authority. The special permit granting authority (SPGA) shall be the Planning Board. A special permit may be granted if the SPGA determines that the intent of this section as well as the specific criteria set forth in this Subsection G are met. In making such determination, the SPGA shall consider the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to surface water quality which would result if the control measures failed.

(2) Rules and regulations. The Planning Board may adopt and from time to time amend rules and regulations which shall prescribe the size, form, content, and style of the plans and procedures for submission and approval of such special permit. These rules and regulations shall be filed with the City Clerk.

(3) Review by other boards and officials. Whenever an application for a special permit is filed with the Planning Board under this section, said Board shall transmit, within six working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation to the Board of Health, Conservation Commission, Building Commissioner, Director of Public Works, Fire Chief, and the City Engineer for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Planning Board. The Planning Board shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports from other boards and officials shall be submitted to the Planning Board by the date of the public hearing, but in any case, within 35 days of receipt of the reviewing party of all the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. If the public hearing by the Planning Board is held prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period. The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

- (4) Submittals. All applications for special permits shall contain the information listed below, unless waived or modified by the SPGA, with reasons therefor:
- (a) A site plan, submitted on twenty-four-inch-by-thirty-six-inch sheets, on a minimum scale of one-inch equals 40 feet, and prepared by a registered professional engineer and a registered land surveyor. Site plans submitted under this section shall also include the following:
- [1] All property lines;
  - [2] All adjacent public streets;
  - [3] All existing and proposed buildings, structures, parking areas, and service areas;
  - [4] All facilities for sewage, refuse, and other waste disposal;
  - [5] Facilities for surface water drainage, both temporary and permanent;
  - [6] Future expansion areas;
  - [7] Provisions to prevent contamination of surface water by petroleum products;
  - [8] Drainage recharge features and provisions to prevent loss of recharge;
  - [9] Provisions to prevent soil compaction;
  - [10] Provisions to prevent seepage from sewer pipes;
  - [11] Location of wetlands, streams, water bodies and floodplain;
  - [12] Existing drainage patterns;
  - [13] Existing woodlands;
  - [14] Areas having slopes exceeding 15%;
  - [15] Areas to be disturbed by construction;
  - [16] Areas where earth and other materials subject to erosion will be temporarily stockpiled;
  - [17] Areas to be used for disposal or storage of construction debris, stones, stumps, etc., if within the district;
  - [18] Temporary and permanent erosion control measures planned, such as sediment basins, stormwater basins, diversion, riprap, stabilization seeding, etc.;
  - [19] Temporary work roads to be used during projects;
  - [20] Location and size of septic system; and
  - [21] Method to contain spillage in fuel filling areas.
- (b) A storm drainage plan showing:
- [1] Locations of drains and culverts and names of streams, rivers, ponds or reservoirs in the City into which they flow;
  - [2] Discharge peaks and expected velocities at drain or culvert outlets;
  - [3] Conditions above and below outlets and expected flow velocities;
  - [4] Supporting computations for the above; and
  - [5] A grading plan showing existing topography and planned grade along existing and/or proposed street or highway profiles.
- (c) A siltation and sedimentation control plan, including:
- [1] Sediment and erosion control structures such as diversions, waterways, slope stabilization structures, sediment basins, etc., in sufficient detail to implement their installation, together with referred standards for soil erosion and sediment as appropriate, and design calculations as required for each structure;
  - [2] Seeding and/or sodding requirements for all exposed areas, including seedbed preparation, seed mixtures, lime, fertilizer and mulching requirements with referenced standards;
  - [3] Schedule or sequence of operation with starting dates for clearing and/or grading, timing for storm drain and culvert installation, duration of exposure of soils and critical area stabilizations, both temporary and permanent. Indicate date when critical areas stabilization, paving, seeding, mulching, or sodding is to be completed; and
  - [4] General notes for sediment control that spell out the procedures for implementing the plan.

(d) The technical reference to be used to prepare and review site plans is "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts," United States Department of Agriculture, Soil Conservation Service, Amherst, Massachusetts. Specific guidelines to be used include, but are not limited to:

- [1] Limit grading to only those areas actively undergoing current construction;
- [2] The smallest practical area of land should be exposed at one time during development;
- [3] Limit the length of time graded areas are exposed;
- [4] Provide temporary or permanent stabilization of disturbed areas at the earliest opportunity. Limit exposure to less than 60 days;
- [5] Retain and protect as much of the natural vegetation as possible;
- [6] Permanent improvements such as streets, utilities, storm sewers, vegetated waterways, and other features of the development should be scheduled for installation to the greatest extent possible before removing the vegetative cover from an area scheduled for building construction;
- [7] Protect all fill slopes and cut slopes exceeding five feet in height from storm runoff through the use of diversion berms, drop chutes and other acceptable means;
- [8] Rough-graded rights-of-way awaiting installation of utilities and/or pavement should be protected by the installation of interceptor berms across the right-of-way to reduce the length of slope between berms to not more than 250 feet; and
- [9] On sites where the above procedures are impractical or not acceptable, where the topography permits, install sediment basins, desilting basins, or silt traps to remove sediment from runoff waters.

(e) A narrative statement detailing all the information set forth below, if applicable:

- [1] A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials, including but not limited to road salt or de-icing chemicals, manure, and fertilizers or soil conditioners, to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion, and leakage and to provide for control of spills.
- [2] A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion, and leakage and to provide for control of spills.
- [3] For underground or aboveground storage of hazardous materials, certification by a registered professional engineer that such storage facilities or containers are:
  - [a] In compliance with all applicable federal or state regulations;
  - [b] In compliance with design specifications, as prepared by a registered professional engineer; and
  - [c] Designed with secondary containment adequate to contain a spill the size of the container's total storage capacity.
- [4] For any proposed activity on a lot which will render more than 15% of the total lot area or more than 2,500 square feet impervious, a system for groundwater recharge must be provided that does not degrade surface water quality, by stormwater infiltration basins or similar system covered with natural vegetation. Dry wells shall be used only where other methods are infeasible. Such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.
- [5] For stockpiling or disposal of snow from outside the district, earthmoving and alteration, storage of sludge or septage, manure storage, treatment works, and/or discharge of process wastewater, a narrative statement, prepared by a registered professional engineer, assessing the impacts, if any, of the proposed activity on surface water and surface water quality on the premises, adjacent to the premises, and on any well field(s) down gradient from the proposed activity or use, accompanied by a description of the measures proposed to protect such well fields.

#### H. Decision.

- (1) Special permits shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated in Subsection G(3), that:
  - (a) Surface water quality resulting from on-site wastewater disposal or other operations on site shall not fall below the more restrictive of federal or state standards for drinking water or, if existing surface water quality is already below those standards, on-site disposal or operations shall result in no further deterioration; and
  - (b) Activities shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (2) Powers of the SPGA. The Planning Board may approve, approve with conditions, or deny an application for a special permit that is governed, in any manner, by the provisions of this section.

- (3) No variance. There shall be no variances granted from the regulations of the Surface Water Protection Overlay District without a written advisory report from the Gardner Board of Health.

I. Miscellaneous provisions.

- (1) Relation to Groundwater Protection Overlay Districts. In those instances where a surface water supply is located near a groundwater well, the Zone A, Zone B and Zone C+ established herein and the Zone II established to protect the wellhead in § 675-520 may overlap one another. In such cases of overlap, the more stringent regulation shall apply.
- (2) Notice of enforcement. Written notice of any violations of this section shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Planning Board, Board of Health, Conservation Commission, City Engineer, Department of Public Works, and the Water Department.
- (3) Costs. The cost of containment, cleanup, or other action of compliance shall be borne by the owner and operator of the premises.

## § 675-560 Large-Scale Ground-Mounted Solar Photovoltaic Overlay District.

A. Purpose and applicability.

- (1) The purpose of this section is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
- (2) The provisions set forth in this section shall apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations.
- (3) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

- B. Designation of overlay locations. The overlay locations designated by Gardner City Council, in accordance with MGL c. 40A, § 5, where ground-mounted large-scale solar photovoltaic installations may be sited as of right. Said overlay locations are shown on the Zoning Map of Gardner, Massachusetts, pursuant to MGL c. 40A, § 4. This map is hereby made a part of this chapter and is on file in the office of the City Clerk.

- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

### AS-OF-RIGHT SITING

Development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to site plan review to determine conformance with local zoning ordinances. Projects cannot be prohibited but can be reasonably regulated by the Building Commissioner and/or person designated by the Planning Board.

### LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic system that is structurally mounted on the ground and is not roof mounted and has a minimum nameplate capacity of 250 kW DC.

### ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION

A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

### RATED NAMEPLATE CAPACITY

The maximum rated output of electric power production of the photovoltaic system in direct current (DC).

### SITE PLAN REVIEW

Review by the Planning Board pursuant to § 675-1010 of this chapter.

### SOLAR PHOTOVOLTAIC ARRAY

An arrangement of solar photovoltaic panels.

- D. General requirements for all large-scale solar power generation installations. The following requirements are common to all solar photovoltaic installations to be sited in designated overlay locations:

- (1) Compliance with laws, ordinances and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

# **Attachment P**

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## Section 5      **INVENTORY OF LANDS**

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### A) OVERVIEW

For the purpose of this report, Open Space is defined as any substantially undeveloped property with conservation or recreation interest whether owned by a public entity, non-profit, or private party. Property intended primarily for recreation, whether developed or undeveloped and whether or not it includes open space (ex – Greenwood Pool) is included in the inventory.

Protected and unprotected properties are included and identified. A protected open space and recreation property has provision to reduce the risk of destruction or degradation on the property. Unprotected properties lack those provisions and are therefore more vulnerable to loss or conversion to non-open space and recreation uses.

Properties can experience various degrees of protection and by several methods:

- Private lands can be protected in perpetuity or for a specified time through deed restrictions or conservation easements.
- Lands under special taxation programs (Chapter 61, 61A, or 61B) are actively managed by their owners for forestry, agricultural, horticultural, or recreational use. These lands have limited protection.
- Lands acquired for watershed and aquifer protection are usually permanently protected open space.
- Public recreation and conservation lands may be permanently protected open space, provided they have been dedicated to such use by deed.
- Municipal properties may be protected via a City Council vote to acquire them as protected properties.
- Private, public, and non-profit conservation and recreation lands are protected under Article 97 of the Articles of Amendment to the State Constitution.

### B) LANDS OF CONSERVATION INTEREST

The primary objective of this section is to consider all valuable open land and identify those parcels that are protected open space, and those that are not protected and therefore vulnerable to some type of development. The vulnerable open space parcels are then prioritized to direct future preservation activities by the City, State and private conservation groups.

# Attachment Q



hereby acknowledged, do hereby assign, transfer and set over unto the said James W. Brooke, the said mortgage deed, the real estate thereby conveyed, and the note and claim thereby secured. To have and to hold the same to the said James W. Brooke and his heirs and assigns, to their own use and behoof forever; subject nevertheless to the conditions therein contained and to redemption according to law. In witness whereof

I hereto set my hand and seal this 11<sup>th</sup> day of January A. D. 1888. Sarah J. Stowell (seal)

Signed and sealed } Commonwealth of Massachusetts.

in presence of } Worcester, ss. January 11, 1888.  
W. A. Farnsworth } Then personally appeared the above  
M. A. Farnsworth } named Sarah J. Stowell and ac-  
knowledged the foregoing instrument to be her free act  
and deed.

Before me, Samuel Utley, Justice of the Peace.  
Rec<sup>d</sup> May 11<sup>th</sup> 1888 at 8 A. M. Ent<sup>d</sup> & Exp<sup>d</sup> By Murray R. Miller Reg<sup>r</sup>

Richardson to Charles F. Know all men by these presents that I,  
to Charles F. Richardson of Gardner in the County of Wor-  
Gardner Inhab<sup>t</sup> Worcester and Commonwealth of Massachusetts, in con-  
sideration of One Dollar paid by the Inhabitants of  
the Town of Gardner in their corporate capacity, the  
receipt whereof is hereby acknowledged, do hereby remise,  
release and forever quitclaim unto the said Inhabi-  
tants in their said capacity a certain tract of land  
situated in the centre of Gardner and being the same  
described in a deed dated February 7<sup>th</sup> A. D. 1888 and  
with Worcester District Deeds, Book 1263, Page 349.

To have and to hold the granted premises, with  
all the privileges and appurtenances thereto belonging,  
to the said Inhabitants in said capacity and its  
successors and assigns, to their own use and behoof  
forever. And I do hereby, for myself and my heirs, exec-  
utors and administrators covenant with the said gran-  
tee and their successors and assigns that the granted  
premises are free from all incumbrances made or suf-  
fired by me, and that I will and my heirs, executors  
and administrators shall warrant and defend the

same to the said grantees and his heirs and assigns for-  
ever against the lawful claims and demands of all  
persons claiming by, through or under me but against  
none other. And for the consideration aforesaid I, Emma  
F. Richardson, wife of said Charles F. Richardson, do  
hereby release unto the said grantees and their success-  
ors and assigns all right of or to both dower and home-  
stead in the granted premises. In witness where-

of us, the said Charles F. and Emma F. Richardson here-  
unto set our hands and seals this Eighth day of May,  
in the year one thousand eight hundred and eighty eight.

Signed, sealed and delivered, Charles F. Richardson (seal)  
in presence of } Emma F. Richardson (seal)  
} Commonwealth of Massachu-

setts, Worcester, ss. May 10<sup>th</sup> 1888. Then personally ap-  
peared the above-named Charles F. Richardson, and  
acknowledged the foregoing instrument to be his free  
act and deed.

Before me, James A. Stiles, Justice of the Peace,  
Rec'd May 11<sup>th</sup> 1888 at 8 A.M. Int'd + Exp'd by Murray B. Miller Reg<sup>r</sup>

Fayerweather John A. &c.  
to  
Westboro Inhab<sup>ts</sup>  
(Stamp  
Not cancelled)

Know all men by these presents that  
we, John A. Fayerweather, Wm M. Child & D. M. Hemenway  
all of Westboro in the County of Worcester and State  
of Massachusetts, in consideration of One Dollar to us  
paid by the Inhabitants of the Town of Westboro aforesaid,  
the receipt whereof is hereby acknowledged, do hereby  
give, grant, bargain, sell and convey unto the said  
Inhabitants of the Town of Westboro, the right to enter  
a pipe into the well situated on the land of said  
Fayerweather, Child & Hemenway, which said land  
is located on the corner of Milk and Phillips Streets  
in said Westboro and also the right to lay the pipe  
under ground from said well to or across said Phil-  
lips Street as may be desired by said Inhabitants, and  
also the right to draw water from said well through  
said pipe at any and all times when needed for the  
purpose of extinguishing fires and fire purposes, also  
the right to enter upon the premises of said grantors  
and repair said pipe whenever requisite. Said pipe may

# **Attachment R**

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 Stock-
holders and Directors.

On motion duly made and seconded it was V O T E D that the Treasur-
or 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, Massachu-
setts, being unmarried, for consideration paid, grant to City of Gardner,
a municipal corporation, in the County of Worcester, Commonwealth of Massa-
chusetts, with W A R R A N T Y covenants. Certain real estate situated
in GARDNER, Worcester County, Massachusetts, bounded and described as fol-
lows, 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 there-
of at a corner of land formerly owned by Oliver H. Brown and on the west
side of Green Street; thence running N. 60 1/4° W. by said Brown land on
the wall to a corner of the wall at land of Artemas Coolidge; thence N.
27 1/4° E. by said Coolidge 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 2840, 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 Worces-
ter, 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:

Heywood Farm, Inc.
to
City of Gardner

Tract 1. A certain tract of land situated in the northerly part of

# **Attachment S**

MBLU	Block	Lot	Owner Full Name	Co-Owner Full Name	Location	LUC	Total Value	Address Line 1	Address Line 2	City	State	Zip
H32	16	4	CITY OF GARDNER	CEMETARY DEPT	850 WEST ST	9300	575,000	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	10	10	CITY OF GARDNER	CITY HALL	95 PLEASANT ST	9311	5,760,200	95 PLEASANT ST STE 125		GARDNER	MA	01440
H17	15	1	CITY OF GARDNER	CONSERVATION COMMISSION	AIRPORT RD	9300	59,200	95 PLEASANT ST STE 125		GARDNER	MA	01440
H37	23	35	CITY OF GARDNER	CONSERVATION COMMISSION	CLARK ST	9320	256,000	115 PLEASANT ST		GARDNER	MA	01440
H37	23	36	CITY OF GARDNER	CONSERVATION COMMISSION	CLARK ST	9320	2,200	95 PLEASANT ST		GARDNER	MA	01440
H37	25	13	CITY OF GARDNER	CONSERVATION COMMISSION	LEO DR	9300	7,300	95 PLEASANT ST STE 125		GARDNER	MA	01440
H37	25	11A	CITY OF GARDNER	CONSERVATION COMMISSION	LEO DR	9300	7,300	95 PLEASANT ST STE 125		GARDNER	MA	01440
H42	11	2	CITY OF GARDNER	CONSERVATION COMMISSION	HOWARD ST	9320	365,100	95 PLEASANT ST		GARDNER	MA	01440
M17	23	1	CITY OF GARDNER	CONSERVATION COMMISSION	KINZER DR	9300	77,400	95 PLEASANT ST STE 125		GARDNER	MA	01440
M47	24	9	CITY OF GARDNER	CONSERVATION COMMISSION	GREEN ST	9320	130,500	95 PLEASANT ST		GARDNER	MA	01440
W22	4	7	CITY OF GARDNER	CONSERVATION COMMISSION	FOSTER CT	9320	12,100	115 PLEASANT ST RM 202		GARDNER	MA	01440
W22	8	1	CITY OF GARDNER	CONSERVATION COMMISSION	BETTY SPRING RD	9320	6,700	115 PLEASANT ST RM 202		GARDNER	MA	01440
W22	8	2	CITY OF GARDNER	CONSERVATION COMMISSION	BETTY SPRING RD	9320	6,500	115 PLEASANT ST RM 202		GARDNER	MA	01440
W22	8	3	CITY OF GARDNER	CONSERVATION COMMISSION	BETTY SPRING RD	9320	6,800	115 PLEASANT ST RM 202		GARDNER	MA	01440
W22	9	8	CITY OF GARDNER	CONSERVATION COMMISSION	BETTY SPRING RD	9320	6,100	115 PLEASANT ST RM 202		GARDNER	MA	01440
M22	2	40	CITY OF GARDNER	DAY CARE CENTER	52-68 COLEMAN ST	9311	958,100	95 PLEASANT ST STE 125		GARDNER	MA	01440
H37	9	13A	CITY OF GARDNER	DEPARTMENT OF PUBLIC	LEO DR	9300	106,400	95 PLEASANT ST RM 125		GARDNER	MA	01440
H37	23	40	CITY OF GARDNER	DEPT OF PUBLIC WORKS	LEO DR	9300	27,500	95 PLEASANT ST RM 125		GARDNER	MA	01440
R22	3	26	CITY OF GARDNER	ELM ST SCHOOL	160 ELM ST	9341	11,194,200	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	10	5	CITY OF GARDNER	FIRE STATION	70 CITY HALL AVE	9351	1,563,400	95 PLEASANT ST STE 125		GARDNER	MA	01440
R12	4	5	CITY OF GARDNER	FIRE STATION	61 E BROADWAY	9351	409,000	95 PLEASANT ST STE 125		GARDNER	MA	01440
R37	16	27	CITY OF GARDNER	GOLF COURSE	131 EATON ST	9300	247,500	95 PLEASANT ST STE 125		GARDNER	MA	01440
M27	20	50	CITY OF GARDNER	GREENWOOD MEM POOL	69 PARK ST	9311	301,600	95 PLEASANT ST STE 125		GARDNER	MA	01440
R27	9	1	CITY OF GARDNER	HIGH SCHOOL	200 CATHERINE ST	9341	22,249,200	95 PLEASANT ST STE 125		GARDNER	MA	01440
R27	16	10	CITY OF GARDNER	MONUMENT PK	PARK ST	9300	100,700	95 PLEASANT ST STE 125		GARDNER	MA	01440
M17	10	21	CITY OF GARDNER	MUNICIPAL GARAGE	416 W BROADWAY	9311	2,994,500	95 PLEASANT ST STE 125		GARDNER	MA	01440
R37	16	26	CITY OF GARDNER	MUNICIPAL GOLF COURSE	152-154 EATON ST	9311	4,308,300	95 PLEASANT ST STE 125		GARDNER	MA	01440
M27	3	14	CITY OF GARDNER	OVILA CASE PLAYGROUND	STUART ST	9300	163,000	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	4	70	CITY OF GARDNER	PARKING LOT	WEST ST	9300	100,100	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	4	1A	CITY OF GARDNER	PARKING LOT	PARKER ST	9300	131,600	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	5	36	CITY OF GARDNER	PARKING LOT	13-17 W LYNDE ST	9300	92,100	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	20	44	CITY OF GARDNER	PARKING LOT	PLEASANT ST	9300	76,800	95 PLEASANT ST STE 125		GARDNER	MA	01440
R12	4	44	CITY OF GARDNER	PROSPECT ST SCHOOL	75 E BROADWAY	9341	1,895,700	95 PLEASANT ST STE 125		GARDNER	MA	01440
M22	19	17A	CITY OF GARDNER	PULASKI PLAYGROUND	WRIGHT ST	9300	162,600	95 PLEASANT ST STE 125		GARDNER	MA	01440
R27	22	12	CITY OF GARDNER	SCHOOL ST SCHOOL &	53 SCHOOL ST	9341	404,500	95 PLEASANT ST STE 125		GARDNER	MA	01440
R37	9	21	CITY OF GARDNER	STONE ST ES	STONE ST	9300	291,200	95 PLEASANT ST STE 125		GARDNER	MA	01440
R42	12	13	CITY OF GARDNER	STONE ST ES	STONE ST	9300	81,700	95 PLEASANT ST STE 125		GARDNER	MA	01440
R42	13	12	CITY OF GARDNER	STONE ST ES	STONE ST	9300	380,400	95 PLEASANT ST STE 125		GARDNER	MA	01440
R42	17	16	CITY OF GARDNER	STONE ST ES	STONE ST	9300	131,200	95 PLEASANT ST STE 125		GARDNER	MA	01440
R52	22	3	CITY OF GARDNER	STONE ST ES	STONE ST	9300	254,100	95 PLEASANT ST STE 125		GARDNER	MA	01440
R42	17	4	CITY OF GARDNER	STONE ST WS	STONE ST	9300	82,000	95 PLEASANT ST STE 125		GARDNER	MA	01440
R47	7	4	CITY OF GARDNER	STONE ST WS	STONE ST	9300	189,100	95 PLEASANT ST STE 125		GARDNER	MA	01440
R27	12	8	CITY OF GARDNER	WATER DEPT	HEYWOOD ST	9300	49,600	95 PLEASANT ST STE 125		GARDNER	MA	01440
R27	13	24	CITY OF GARDNER	WATER DEPT	RESERVOIR ST	9300	1,225,800	95 PLEASANT ST STE 125		GARDNER	MA	01440
R27	14	9A	CITY OF GARDNER	WATER DEPT	BLANCHARD ST	9300	79,900	95 PLEASANT ST STE 125		GARDNER	MA	01440
R32	24	8	CITY OF GARDNER	WATER DEPT>	MATTHEWS ST	9300	202,700	95 PLEASANT ST STE 125		GARDNER	MA	01440

# **Attachment T**

Table 2 - Priority Ranking

Number	Street Address	Acres	Owner	Water Supply	Over River	Adjacent	BIONMAP	Rank
27	KEYES RD	18.53	CEDAR HILLS LLC					3
28	UNION ST	33.15	DUBIN RICHELTA C					3
29	KEYES RD	11.09	CEDAR HILLS LLC			OSCH61		3
30	GREEN ST	10.10	WHITNEY DONALD P & MARGARET A					3
31	KEYES RD	10.09	CEDAR HILLS LLC	X			X	3
32	142 WAMPANOAG SOUTHW RD	12.87	BAGDONAS EDWARD P ET AL TRSTES			OS		3
33	169 EATON ST	10.57	CHRISTIE MARIE H	X		OS	X	3
34	1433 GREEN ST	16.58	PRICE KELLEY	X		OS		3
35	WHITNEY ST	42.36	GARDNER RABBIT CLUB INC				X	3
36	MINOTT ST	9.92	MORGAN NANCY S			CH61	X	4
37	123 CAMP COLLIER RD	39.03	ROCKWOOD WENDELL A ET AL TRSTES				X	4
38	STONE ST	8.08	WOJCIKIEWICZ ROBERT J & CARLA J				X	4
39	KELTON ST	10.71	MONADNOCK TRUST	X		OSCH61		4
40	406 STONE ST	7.67	LITTLEJOHN DAVID C				X	4
41	418 STONE ST	22.41	JAMISON SETH M & DARCEE J	X		OS	X	4
42	430 STONE ST	16.97	CLARKSON AMANDA M	X			X	4
43	LOVEWELL ST	5.98	HUNT PETER B	X			X	4
44	PARKER ST	16.11	525 PARKER STREET LLC			CH61		5
45	SUNDERS ST	8.01	NOONAN MELANIE M					5
46	AIRPORT RD	10.13	MANCA CHARLES J TRSTE					5
47	LOVEWELL ST	19.67	HAAVEL SANDRA HUNT			CH61		5
48	MATTHEWS ST	22.17	HANNONID DOUGLAS			CH61		5
49	PEARL ST	17.34	KYMALAINEN THOMAS J & ALICE M TRSTES					5
50	PEARL ST	55.47	HILL CLAIRE					5
51	MATTHEWS ST	30.57	GARDNER BICKFORD					5
52	PAIGE RD	12.74	CZASNOWSKI JOHN S & BROOKE S					5
53	MATTHEWS ST	12.57	RHO LTD					5



Table 2 - Priority Rankings

Number	Street Address	Acres	Owner	Water Supply	Over River	Adjacent	BIONMAP	Rank
54	CLARK ST	28.30	WEST END BEAGLE CLUB INC					5
55	MATTHEWS ST	15.25	RHO LTD					5
56	110 CLARK ST	0.57	WEST END BEAGLE CLUB INC					5
57	110 CLARK ST	18.83	WEST END BEAGLE CLUB INC					5
58	2 CHAPEL ST	16.60	HILL CLAIRE			OSCH61		5

# **Attachment U**

**RESOLUTION  
OPEN SPACE AND RECREATION PLAN 2015 - 2019 UPDATE**

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

WHEREAS, the City Council has reviewed the proposals prepared by the Open Space and Recreation Committee for inclusion within the Open Space and Recreation Plan (OSRP) 2015-2019 Update; and

WHEREAS, the OSRP proposal does not seek nor require funding directly, but simply makes recommendations for preservation, maintenance, and for expansion of open space and recreation activity within City boundaries; and

WHEREAS, the Open Space and Recreation Committee performed or reviewed all matters relating to the OSRP update at numerous publicly posted meetings, and further sponsored a city-wide survey and conducted two advertised public meetings for the primary purpose of soliciting public input regarding matters appropriate to the OSRP; and

WHEREAS, the OSRP has been developed and updated in accordance with requirements of the Massachusetts Executive Office of Energy and Environmental Affairs, Division of Conservation Services; and

WHEREAS, the City Council supports the activity as being consistent with the City's goal of promoting quality programs for its citizens;

NOW THEREFORE, the City Council hereby extends its support and endorses the City's Open Space and Recreation Plan 2015-2019 Update to be submitted to the Commonwealth of Massachusetts, Division of Conservation Services.

# **Attachment V**

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## Section 1      **PLAN SUMMARY**

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The Open Space and Recreation Plan (OSRP) is a comprehensive planning document that guides future policies and actions by examining the City's need for new or improved conservation areas and recreational facilities. The overall purpose of the 2015 - 2019 OSRP is to provide Gardner's residents with a diverse system of interconnected open space areas and quality recreational opportunities that protect natural resources, promote public health, and enhance the quality of life. Enhancing the quality of life in a community must maintain a careful balance between equity, environment and economy.

Having an OSRP is very important for a number of reasons. A comprehensive plan identifies open space and recreation assets; prioritizes needs; identifies goals, objectives and actions; and allows the City to participate in state and federal grant programs to make capital improvements to recreational facilities and to protect open spaces.

The Open Space and Recreation Plan Committee built this plan on previous OSRP's; consultation with City Departments, in particular the Engineering, Public Works and Planning Departments; and nearly one year of public outreach. During this public outreach and planning, five specific goals were identified:

- Protect and improve the quality of existing open spaces, parks and recreational opportunities.
- Selective expansion of open spaces, parks and recreational opportunities.
- Protect water resources and improve water quality.
- Accommodate new growth where the environment can best support it.
- Increase public awareness and stewardship of the City's water resources, forests, parks and conservation areas.

Public outreach and planning also highlighted four new initiatives that resulted in several key actions contained in the plan:

- Sustain the recent focus on improved maintenance of recreational facilities.
- Insure parks and playgrounds are safe and family friendly.
- Upgrade existing sidewalks and build connections between existing sidewalks.
- Improve coordination of municipal efforts and better support volunteer initiatives.

# **Attachment W**

# Open Space and Recreation Plans

Find details on Open Space and Recreation Plans (OSRPs) and links to resources you may find helpful in preparing your community's OSRP.

Open Space and Recreation Plans are a tool through which a community plans for the future of its conservation and recreation resources. OSRPs are informed by a thorough public participation process and reflect the needs of its community members. The plans are reviewed and approved by the Commonwealth to ensure that they conform to the OSRP requirements. When a community has an approved OSRP, it becomes eligible for DCS grant programs for up to seven years.

## OSRP Review Process

1. Mail a hard copy of your OSRP, with a cover letter naming a contact person, to:  
Melissa Cryan  
Division of Conservation Services  
100 Cambridge Street, Suite 900  
Boston, MA 02114
2. Send an electronic copy of your OSRP to [melissa.cryan@mass.gov](mailto:melissa.cryan@mass.gov) (<mailto:melissa.cryan@mass.gov>)
3. OSRPs are reviewed in order received for completeness and conformity with OSRP requirements
4. A conditional approval letter is sent, which details remaining items that need to be addressed prior to plan receiving final approval
5. Once those items are addressed, and a hard copy of the plan with the changes/additions is mailed to DCS, a final approval letter is sent

## Additional Resources

### Open Space and Recreation Plan Workbook

(<https://www.mass.gov/doc/open-space-and-recreation-plan-workbook/download>) (English, PDF 962.86 KB)

### Open Space and Recreation Plan Status

(<https://www.mass.gov/doc/open-space-and-recreation-plan-status-2/download>) (English, PDF 95.41 KB)