

City of Gardner, Alassachusetts Office of the City Council

CALENDAR FOR THE MEETING

of

MONDAY, MAY 1, 2023

CITY COUNCIL CHAMBER

7:30 P.M.

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. CALL OF THE ROLL OF COUNCILLORS
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

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

- VI. READING OF MINUTES OF PRIOR MEETING(S)
- VII. PUBLIC HEARINGS
- VIII. COMMUNICATIONS FROM THE MAYOR

COMMUNICATIONS

- 10966 A Measure Authorizing an Intermunicipal Agreement Between the City of Gardner and the Town of Templeton- Veterans Services. (Finance Committee)
- 10967 A Notification from the Mayor Regarding the Sale of City Properties Authorized by the City Council since 2020. (Finance Committee)
- **10968** A Notification from the Mayor Regarding Information about District Improvement Financing Study. (*Finance Committee*)
- 10975 A Notification from the Mayor regarding the Submission of the FY2024 School Department Budget.
- **10976** A Notification from the Mayor regarding the FY2023 \$1 Million Federal Earmark to replace the Water Transmission Line. (*Public Service Committee*)

ORDERS

- 10969 An Order Appropriating \$350,000.00 from Available Funds-Bonds Proceeds Capital Projects Reserved to Downtown Improvement Capital Project. (Finance Committee)
- 10977 An Order Appropriating \$99,000.00 from Free Cash to the Personnel Employee Benefits Account- Workers Compensation Audit. (Finance Committee)
- **10978** An Order Appropriating \$701,700.00 from Free Cash to the DPW Snow and Ice Removal Expense Account. (*Finance Committee*)
- **10979** An Order Appropriating \$10,000.00 from Free Cash to the Treasurer Department Professional Services- Tax Title Foreclosure. (Finance Committee)
- **10980** An Order Appropriating \$3,312.00 from Free Cash to Law Department Outside Counsel Expense Account. (Finance Committee)
- 10981 An Order Appropriating \$500.00 from Free Cash to Law Department Deposition and Discovery Expense Account. (Finance Committee)
- **10982** An Order Appropriating \$879.00 from Free Cash to Law Department Professional Development and Travel Account. (*Finance Committee*)
- **10983** An Order Appropriating \$15,000.00 from Free Cash to Personnel Department Medical Exam Expense Account (*Finance Committee*)
- **10984** An Order Appropriating \$45,000.00 from Free Cash to Mayor's Unclassified Energy and Utilities Account Waterford Street School and Prospect Street School. *(Finance Committee)*
- 10985 An Order Appropriating \$25,000.00 from Free Cash to Mayor's Unclassified S. Graves vs City Lawsuit Account. (Finance Committee)
- **10986** An Order Appropriating \$10,000.00 from Free Cash to City Hall Maintenance Repairs and Maintenance Account. (Finance Committee)
- **10987** An Order Appropriating \$25,000.00 from Free Cash to DPW Street Lights Expense Account. (Finance Committee)
- **10988** An Order Appropriating \$32,000.00 from Free Cash to Greenwood Pool-Pool Filtration System Expense Account. (*Finance Committee*)

- **10989** An Order Appropriating \$1,091.00 from Free Cash to Community Development Project Manager/Financial Administrator Salary Account. (Finance Committee)
- **10990** An Order Appropriating \$14,925.00 from Free Cash to the IT Department City Hall Copy Machine Account. (*Finance Committee*)

ORDINANCES

10971 – An Ordinance to Amend the Code of the City of Gardner, Chapter 306, thereof, entitled "Alcoholic Beverages," to add a new section 5 thereof, entitled, "Marijuana Retail Establishments" to Increase the Quota Allowed and Change the Method for Amending the Quota Allowed by the Code of the City of Gardner. (Safety Committee)

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

- **10970** An Application by EcoATM LLC, for a License to Deal in Second Hand Articles at 677 Timpany Plaza (inside Walmart 2115). (Safety Committee; Received in the Clerk's Office 4/24/2023)
- 10972 An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to add "Sports Betting" to the Zoning Table of Uses. (Proposed by Councillors Heath, Tyros, Hardern, Boone and Tassone) (Public Hearing Required)
- 10973 An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner. (Proposed by Councillors Heath, Tyros, Hardern, Boone and Tassone) (Public Hearing Required)
- 10974 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. (Proposed by Councillors Heath, Tyros, Hardern, Boone and Tassone) (Public Hearing Required)

X. REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE

10958 – An Order Authorizing \$5,109.19 Payment of Prior Year Operating Expenditure for Various Departments. (In the City Council and Referred to Finance Committee 4/18/2023)

SAFETY COMMITTEE

- 10861 An Ordinance to Amend the Code of the City of Gardner, Chapter 600, Entitled "Vehicles and Traffic," Section 42, Entitled "One Way Street." (In the City Council and Referred to Safety Committee 12/5/2022; More Time 12/19/2022, 01/03/2023, 1/17/2023; More Time 2/6/2023, 2/21/2023, 3/6/2023, 3/20/2023, 4/3/2023, 4/18/2023)
- 10960 An Application by Brian's Bowlaway, for a Bowling Alley License located at 123 Main Street. (In the City Council and Referred to Safety Committee 4/18/2023)
- 10961 An Application by The Witch's Wardrobe, for a Fortune Tellers License located at 314 Central Street. (In the City Council and Referred to Safety Committee 4/18/2023)
- 10962 An Application by GameStop, Inc. #3725 for a License to deal in Second-hand Articles at 376 Timpany Blvd. (In the City Council and Referred to Safety Committee 4/18/2023)
- 10963 An Application by Gardner Coins & Cards, Inc., for a License to deal in Second-hand Articles at 18 Parker Street. (In the City Council and Referred to Safety Committee 4/18/2023)
- 10964 An Application by House of Peace and Education, Inc., d/b/a HOPEful Boutique, for a License to Deal in Second-hand Articles at 29 Pleasant Street. (In the City Council and Referred to Safety Committee 4/18/2023)

SERVICE COMMITTEE

10909 – A Petition by National Grid and Verizon New England, Inc. – Cross Street – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction. Install 4 new poles on Cross Street. (Public Service Committee; Public Hearing 3/6/2023; More Time 3/6/2023, 3/20/2023, 4/3/2023, 4/18/2023)

10965 – A Measure for Dedication Vote for the Uptown Rotary Reconstruction Project. (In the City Council and Referred to Public Service Committee 4/18/2023)

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

- XII. NEW BUSINESS
- XIII. CLOSING PRAYER
- XIV. ADJOURNMENT

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



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 18, 2023

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

RE: Authorization for Intermunicipal Agreement with the Town of Templeton-Veterans Services

Dear Madam President and Councilors,

Attached, please find a proposed Intermunicipal Agreement with the Town of Templeton for the City to provide Veterans Services to Templeton for the remainder of this fiscal year through the end of Fiscal Year 2026.

In speaking with Director Gabrila, the office currently has the capacity to take on this work and we would still be at the statutorily required staffing levels for the office with this addition.

I respectfully request that the City Council vote to authorize the Administration to enter into this Intermunicipal Agreement.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

CC:

Finance Committee

Public Welfare Committee

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

VOTED:

To authorize the Mayor to enter into an Intermunicipal Agreement with the Town of Templeton for the purpose of providing Veteran's services among the two communities for the remainder of this fiscal year and through Fiscal Year 2026, under such terms and conditions as the Mayor deems appropriate and in accordance with the provisions of Section 4A of Chapter 40 of the General Laws.

TOWN OF TEMPLETON AND CITY OF GARDNER MUNICIPAL AGREEMENT VETERAN SERVICES

This Intermunicipal Agreement, made and entered into this ____10th__ day of __April__ 2023, pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 4A, by and between the town of Templeton, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Board of Selectmen, hereinafter referred to as "Templeton," and the City of Gardner, a municipal corporation within the County of Worcester and the Commonwealth of Massachusetts, acting by and through its Mayor, hereinafter referred to as "Gardner" (collectively referred to as the "Municipalities").

WITNESSETH

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

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

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

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

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

- 1. The Templeton Town Administrator and the Gardner Mayor will be the Municipalities respective representatives to oversee the cooperative arrangement. The approval of the Templeton Board of Selectman and Gardner Mayor will be required to amend this Agreement.
- 2. All the privileges and immunities from liability and exemptions from laws, bylaws, ordinances and regulations that veteran services officers employed by any of the parties hereto have in their own jurisdictions shall be effective in the jurisdiction in which they are giving assistance unless otherwise prohibited by law.
- 3. The shared veteran services officer shall have all of the authority under the applicable provisions of the Massachusetts General Laws as well as the by-laws of

Templeton and the City of Gardner city ordinances in which veteran services are being provided.

- 4. Term. The term of this Agreement is for three (3) years and three (3) months from FY2023 to FY2026 commencing on April 1, 2023 and ending on June 30, 2026 unless or until terminated by the parties hereto on written notice. Such notice shall be provided one hundred eighty (180) days prior to the end of the then current fiscal year and withdrawal from the agreement will be effective as of the last day of the succeeding fiscal year. In the event that Templeton fails to pay any invoice to Gardner in a timely manner, or in the event Templeton fails to approve a veteran services budget, as provided for herein and that is subject to appropriation by the Templeton Town Meetings, then Gardner may immediately suspend its services under this Agreement for non-performance. Upon receipt of the past due payments, together with adequate assurances of payment for future services, Gardner may commence performing its services again.
- 5. <u>Cost sharing</u>. During the term of this Agreement, Templeton will bear the costs of the Veteran's Service Officer according to the following fee schedules:
 - a. <u>Templeton:</u>
 - i. Fiscal Year 2023: \$5,000.00 (\$20,000 prorated)
 - ii. Fiscal Year 2024: \$20,500.00
 - iii. Fiscal Year 2025: \$21,000.00
 - iv. Fiscal Year 2026: \$21,500.00

with said costs based upon an approved veteran service budget subject to appropriation by Town Meeting and appropriation by the Gardner City Council, which will provide for the complete cost of wages, maintenance of the Veterans' Services Office, employee stipends, and supplies and training. Any modification(s) to this schedule must be agreed to in writing by each of the respective Town Select Boards and Gardner City Council and will take effect in the following fiscal year.

6. <u>Services and Office Community Hours</u>. Veterans' Services to be provided as part of the intermunicipal agreement are outlined in Massachusetts General Law Chapter 115, the by-laws of Templeton, Gardner ordinances, and the job description of the Veteran Services Officer, incorporated herein by reference.

Gardner, as the host municipality, shall provide office space and adequate support during designated office hours. Each municipality will allow the Veteran Services Officer to assist veterans and other eligible persons from each of the participating municipalities in this agreement during designated office hours to facilitate regional service delivery.

7. <u>Dispute Resolution</u>. In the event any disputes or questions arise between the parties as to the interpretation of the agreement or the satisfactory performance by any of the parties of the services and other responsibilities provided for in the

- contract, the parties first agree to try in good faith to settle the dispute through negotiation, then try resorting to other dispute resolution procedures, before proceeding to litigation.
- 8. <u>Reports</u>. Gardner shall, upon request of Templeton, provide Templeton with reports on the services provided and annual reports of expenditures and revenues of all accounts necessary to provide a complete picture of the financial condition of the shared function.
- 9. Notice. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the Boards of Selectmen and the Gardner Mayor at the addresses set forth below or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivery by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

Town Administrator Town of Templeton PO Box 620 160 Patriots Road East Templeton, MA 01438

Mayor City of Gardner 95 Pleasant Street Gardner, MA 01440

- 10. This Agreement constitutes the entire agreement of the parties and supersedes any prior agreements or understandings, whether oral or in writing, between them. This Agreement may not be changed or modified except by a written instrument in accordance with the provisions above.
- 11. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, the provisions of which shall not be deemed waived by any provision hereof, and the parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.
- 12. If any provision of this Agreement is declared to be illegal, unenforceable, or void, then the parties shall be relieved of all obligations under that provision provided, however, that the remainder of the Agreement shall be enforced to the fullest extent permitted by law.

written above.			
For the City of Gardner			
Michael J. Nicholson, Mayor			
For the Town of Templeton			

Adam Lamontagne, Town Administrator

In witness thereof, the parties hereto have executed this Agreement as of the first date

200 MAR 19 PM 3: 10



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 17, 2023

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

RE: Notification regarding sale of City properties authorized by the City Council since 2020

Dear Madam President and Councilors,

As you are well aware, there are several properties that the City has recently sold that were either being unutilized by the City or were taken by the City through the tax title process.

Per the General Laws of the Commonwealth (Chapter 44, Section 63), when a property that was taken through the tax title process, any proceeds from those sales fall directly into the General Fund and fall to Free Cash at the end of the fiscal year, since they were not originally budgeted for/appropriated revenues. The proceeds of any property that the City sells that was not taken through the tax title foreclosure process fall to a special revenue account. The funds in this account may be used to help pay any costs associated by the City relating to the sale of property or be used to pay off any debt incurred by the City or for any purpose for which the City is authorized to incur debt.

Section 63: Sale or other disposal of realty; disposition of proceeds
Section 63. Whenever the proceeds of the sale or other disposal of real
estate, including the taking by eminent domain by another
governmental unit, but other than that acquired through tax title
foreclosure, by a city, town, or district, exceed five hundred dollars, the
same shall be applied to the payment of indebtedness incurred in
acquiring such real estate or shall be added to the sinking fund, if any,
from which said indebtedness is payable, or if no such indebtedness is
outstanding may be used for any purpose or purposes for which the
city, town or district is authorized to incur debt for a period of five
years or more or be applied to the payment of indebtedness incurred
under clause (3) of section seven, except that the proceeds of a sale in
excess of five hundred dollars of any park land by a city, town, or
district shall be used only by said city, town, or district for acquisition
of land for park purposes or for capital improvements to park land.

I am hereby attaching a list of all of the properties the City has sold since 2020, if they were taken through the tax title process, the final sale price, and all responses submitted for the RFP processes.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

PROPERTIES SOLD BY THE CITY:

Location	Tax Title	Listing Price	Accepted Offer	
53 School St	No	\$ 1.00	PROPOSALS REJECT	TED
73 Stuart St	Yes	\$ 17,000.00	\$ 17,00	00.00
177 West St	Yes	\$ 20,000.00	\$ 21,10	00.00
14 Leamy St	Yes	\$ 51,000.00	\$ 51,10	00.00
73 East Broadway	No	\$ 100,000.00	\$ 105,00	0.00
Nichols St	Yes	\$ 1.00	\$ 35,00	00.00
Catherine St	No	\$ 500.00	\$ 50	0.00
20 Rock St	Yes	\$ 49,200.00	\$ 49,20	00.00
Chelsea St	No	\$ 43,400.00	\$ 81,50	00.00
Total General Fund			\$ 173,40	0.00
Total Special Revenue Account			\$ 187,00	0.00
Total Sales:			\$ 360,40	0.00

PROPERTY PROPOSAL BREAKDOWN FROM LATEST SALES:

53 School Street – School Street School:

The City received one bid for this property to turn the property into 30 condominium units. However, the City was required to later reject the proposal, due to the fact that during the title search being done by the buyer, it was revealed that a portion of the back of the property was originally purchased as part of Jackson Playground for the purpose of creating a playground. As such, it falls under the protections of Article 97 of the Commonwealth's Constitution.

Since Jackson Park and School Street School sit on land that was purchased through three separate sales by the City, the Administration has begun to work with our local legislative delegation to conduct the statutorily required land swap vote that will come before the City Council for consideration as a Home Rule Petition once the vote document is completed.

After this process is done, the Administration will put the property back out for disposition.

73 Stuart Street - Former Factory:

The City received one proposal for this property from Millennium Holding Group, which is part of the Candor Realty/Simplified Management business group.

The proposal called for the full demolition of the existing structures on the property and the construction of two buildings that combined would have six to seven condominium units in them.

The price on the proposal was \$17,000.

The proposal came with a zoning relief contingency, so the closing has not happened yet. The applicant is scheduled to appear on the May Zoning Board of Appeals meeting.

177 West Street - Former Finishing Factory demolished by City:

The City received two proposals for this property:

Name	Proposal	Price	Other:
Funished Homes, LLC.	Either a 2-4 family dwelling or a mixed use building	25,151	-LLC dissolved by Secretary of Commonwealth -Not a buildable lot
David Bettez	Parking lot for existing business	21,100	

The property was awarded to David Bettez and is in the process of closing.

While Furnished Homes, LLC was the highest bidder, their LLC was dissolved by the Secretary of the Commonwealth's Corporations Division and after repeated requests for either clarification as to why this happened or new documentation showing otherwise, the company did not respond. As a result this bid had to be ruled as an incomplete submission and thrown out.

14 Leamy Street – Former factory demolished by GRA:

The City received one proposal from Mr. David Bettez for this property for the purpose of constructing an ADA/elderly friendly multifamily residential building. The price proposal came in at \$51,100. The property was awarded and is in the process of closing.

75 East Broadway – Prospect Street School:

The City received five (5) proposals for this property:

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Name	Proposal	Price	Other:
MPZ Development	53 apartment units. Requires construction of second building on site.	295,000	-Required 5 year closing timeline -Required \$1.2 million tax break from City
Furnished Homes, LLC	After purchase would conduct survey to either attract national business or build housing if couldn't find a business.	126,151	LLC dissolved by Secretary of the Commonwealth
Molina Realty Group	Upscale market rate residential housing	105,000	
East Coast Properties, Inc	Art Studio Loft Apartment building. 6 Art studios on first floor, apartments for artists on second floor.	100,000	Empire Management Company
NewVue Communities	65 rental apartments for mixed income- extreme low income to workforce housing. 15 one bedroom apartments reserved for seniors. Requires construction of second building on site.	100,000	Also required sale of parking lot behind South Gardner Fire Station

The property was awarded to Molina Realty for the price of \$105,000.

While MPZ Development was the top bidder, the Review Committee and the Administration did not believe that the 5-year closing time period and the \$1.2 million property tax break by the City were in the best interest of the City.

Furthermore, while Furnished Homes, LLC was the second highest bidder, their LLC was dissolved by the Secretary of the Commonwealth's Corporations Division and after repeated requests for either clarification as to why this happened or new documentation showing otherwise, the company did not respond. As a result this bid had to be ruled as an incomplete submission and thrown out.

Land on the corner of Nichols and Parker Streets – former multifamily that was demolished after fire:

The City received two (2) proposals for this property:

SPACE LEFT BLANK TO FIT TABLE ON ONE PAGE – CONTINUE TO NEXT PAGE

Name	Proposal	Price	Other:
Justin Khachi (VIBExchange)	3 story building with far, dining, beer tap room, smoking lounge, and night club named Brewholla	1.00	
Yan Lin and Ka Cheung	Single story, 4,000 sqft family-oriented food court building	35,000	

The property was awarded to Yan Lin and Ka Cheung and is in the process of closing.



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 18, 2023

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

RE: Notification regarding Information about District Improvement Financing Study

Dear Madam President and Councilors,

In both 2021 and 2022, the City received grant funding from the Community One Stop for Growth program to study whether or not the City should adopt District Improvement Financing areas.

As part of this process, the consultants from MassDevelopment would like to present their findings to the City Council at an informal meeting, in order to keep a dialogue going about the subject in the event that a proposal for this comes before the City Council at a later date.

I have attached the presentation they plan to give to this correspondence so that the Councilors may view the presentation beforehand to be able to ask questions that may arise from the information.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner City of Gardner, MA May 1, 2023

Fig. City of GARDNER City Presentation





AGENDA

- Introductions
- What Has Been Done So Far
- What is <u>District Increment Financing</u>
 How has DIF been used
- Next Steps
- Questions & Discussion

WHAT HAS SAH FAR FR Z

WHAT HAS BEEN DONE SO FAR

- 2011 –Urban Renewal Plan
- 2012 Urban Renewal Plan, Mill Street Corridor
- 2022 District Increment Financing Feasibility Analysis
- Found DIF would generate funds to offset public investment
- 2023 (ongoing) Phase 2 of the DIF analysis Refine assumptions
- Create DIF Master Plan

WHAT IS DIF?

WHAT IS DISTRICT IMPROVEMENT FINANCING (DIF)?

- Financing method to catalyze economic development
- and programs related economic development development to be dedicated to support intrastructure, projects, Allows some or all of future property tax revenues from
- Property tax increment can be used to help finance public development costs
- Portion of incremental revenues not dedicated for DIF can be to general fund transferred to General Fund and once DIF expires, all revenues go





on top of the existing property tax. It is not a new tax or a special assessment



identify and capture tax revenue from new by public investment. private investment that has been catalyzed It is a tool that enables a community to

KEY DIF TERMS

Development District

Development Program

G

New Growth

Tax Increment Revenue

A specified area within the corporate limits of a city or town which is to be developed by the municipality under a Development Program. Also referred to as a **DIF District**.

A statement of means and objectives designed to improve the quality of life, the physical facilities and structures and the quality of pedestrian and vehicular traffic control and transportation within a Development District.

Increases to the assessed value of a property, as a result of development or other changes.

New Growth generates new tax revenue and enables you to raise your tax levy limit.

All annual increases in the municipality's limit on total taxes assessed that are attributable to parcels within the DIF District.

Tax Increment Revenue is additional revenue that is collected because of New Growth in the DIF District.

WHAT DIF DOES

Assessed Value of the Establishes the Original

cumulative increases, or each year and the Measures New Growth lax Increment

revenues from the Tax Calculates and captures

Mechanics of DIF

- Identify a district
- 2. Identify public projects and estimated costs
- Estimate revenues from increased assessed
- Make policy choices on revenue capture, capital values from new private investment plan, duration of district
- Adopt through local process
- Manage over time: identify, collect, and spend revenues, complete public projects

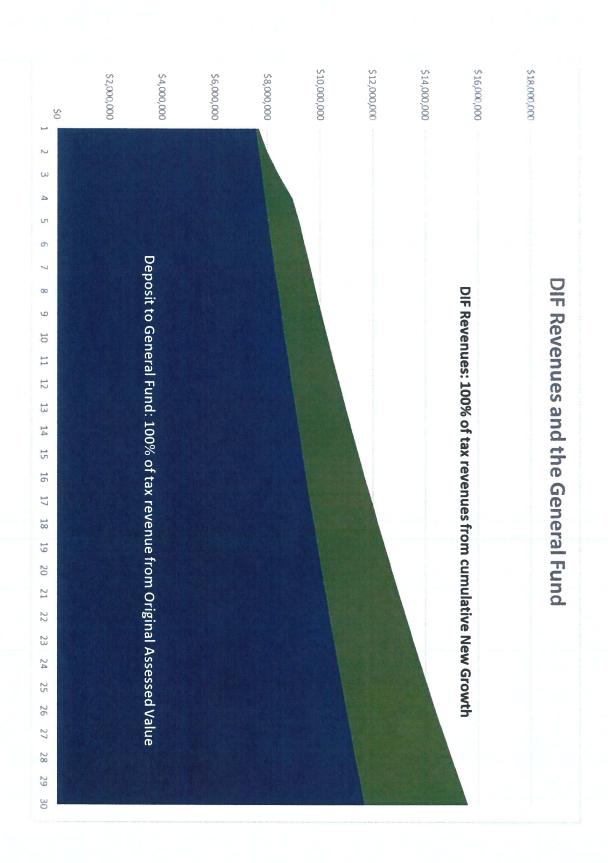
HOW DIF PAYS FOR ECONOMIC DEVELOPMENT

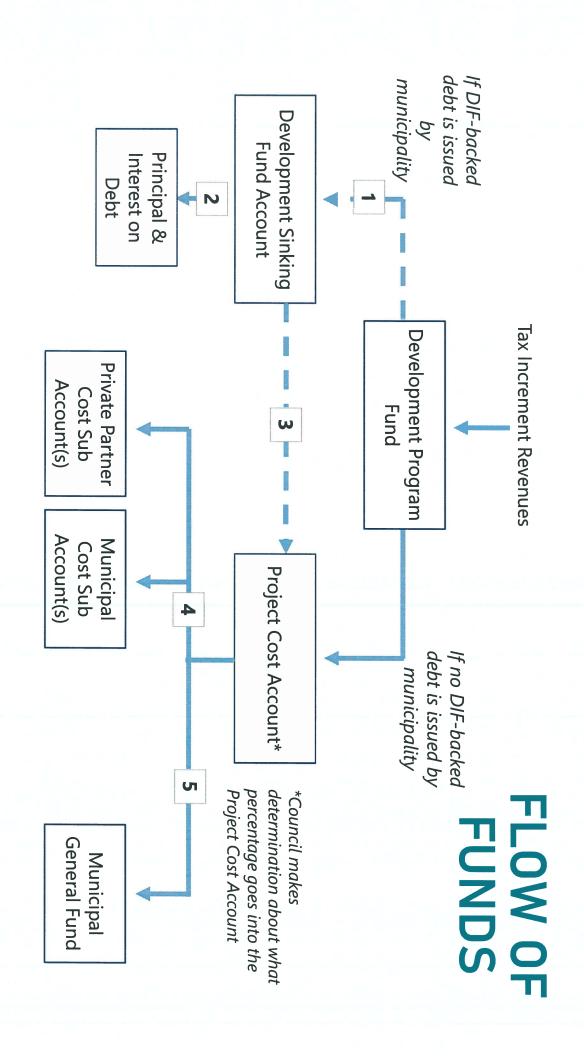
Communicates that a district is targeted for growth, and states a community's

goals

Attracts new private investment by improving the district with infrastructure, and initiatives such as workforce training

Captures new tax revenues from the New Growth and makes them available to fund the projects that drive growth













DIF Creation & Administration

HOW ARE COMMUNITIES USING IT?

WHAT ARE MASSACHUSETTS COMMUNITIES DOING WITH DIF?

- Revitalize downtowns
- Support long-term infrastructure plans
- Return under/unused property to taxable use
- Encouraging community-desired mix of business, housing, recreation



Providence Highway District Town of Dedham, Adopted May 20, 2019

- DIF District Adoption to catalyze community conversation
- Work with MassDot to improve Route 1
- Connect to greenspace at Wigwam Pond and Charles River
- Adopt Development Program after Town Master Plan complete



- \$400,000 MassWorks grant facilitated by DIF
- Tax Increment Financing Approved
- \$40 million private investment
- DIF will fund road improvements to support project





Five-Corners District Town of Easton, Adopted May 20, 2019

- Implements Envision Easton plans for vibrant mixed use
- Reduces betterments for critical sewer infrastructure costs
- Sidewalks, streetscapes, connectivity can be funded

KEY STEPS

Planning:

- Why (purpose)
 What (projects)
 Where (district)

We Are Here

Approval:

- Communications, engagement
- Local review and approval

Implementation and Monitoring:

- Internal tracking and reporting
- Reporting to policymakers and public

NEXT STEPS

- Refine public and private project list
- Update build out analysis
- Draft of legislative documents Measure the potential new revenue and potential uses of funds
- Council approval process



QUESTIONS & DISCUSSION



Rachel Selsky, Project Manager
Jim Damicis, Principal
Camoin Associates
518 899-2608
Rachel@camoinassociates.com
jim@camoinassociates.com

REVENUE HOW DIF GENERATES AND CAPTURES

Original Assessed Value (OAV): \$3 million

Property Taxes Paid on OAV: \$59,850

(\$3 million X tax rate at 19.95 per \$1,000 of value)

Available to General Fund: \$59,850

Assessed Value (AV) of New Growth: \$10 million

ot 19.95) Tax Revenues from New Growth in Year 1: \$199,500 (\$10 million x tax rate

\$997,500 of Cumulative New Growth with DIF, by Year 5

(assumes no other New Growth or tax rate changes)



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 26, 2023

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

RE: Update Regarding Federal Earmark for Water Transmission Line

Dear Madam President and Councilors,

The attached correspondence was sent to the Public Service Committee for their information regarding the FY2023 Congressional Directed Spending Earmark that the City received to replace the Water Transmission Line connecting the Crystal Lake Water Treatment Facility to the James Street Storage tanks.

Please note that the City also was approved for an additional \$1 million bond authorization in the Commonwealths Infrastructure Improvement Bond Bill that was voted by the General Court last session.

Should Governor Healey choose to fund this bond authorization, the language was written in a way that it would allow us to use this additional appropriation, if received, on other water line work in the area.

Respectfully Submitted,

Michael J. Nicholson Mayor City of Gardner



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 26, 2023

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



RE: Free Cash Appropriation Request - Snow and Ice Deficit

Dear Madam President and Councilors,

The Administration has begun the process of closing out the fiscal year and covering any deficits that exist in accounts.

The attached request covers the deficit that exists in the City's snow and ice removal account for operations that took place this winter.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner

Mayor

From:

Chris Coughlin

Sent:

Wednesday, April 26, 2023 8:59 AM

To:

Mayor

Subject:

FW: [EXTERNAL] Final FY23 Community Grant Guidance

Attachments:

FY23 Community Grants Final Implementation Guidance.pdf

Mr. Mayor,

Here is the latest correspondence I received from the EPA who will be administering the grant for our new transmission main. In summary, we've officially been awarded the money but are still waiting on guidance for funding. We will likely have more information after EPA reaches out directly within the next few weeks.

Thanks,
-Chris

From: Spinale, Mark < Spinale. Mark@epa.gov> Date: Thursday, April 20, 2023 at 8:19 AM

To:

Subject: [EXTERNAL] Final FY23 Community Grant Guidance

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

As you may recall, I sent an initial email on March 8, 2023 to all FY23 Community Grant recipients indicating that we were awaiting final guidelines that will be in effect for the FY23 Congressionally Directed Spending (CDS) projects. The guidelines have now been finalized and I am attaching that document to this email which explains the Community Grant Program and includes important information regarding the program. The guidance (1) provides information on how EPA plans to award and administer the Community Grants, (2) identifies the associated requirements and (3) provides resources and tools to assist recipients with developing comprehensive application packages. Key highlights include:

- An overview of the grant phases (pre-award and post-award) and associated requirements and processes.
- Steps for submitting requests for Technical Correction when the identified recipient and/or project purpose need to be corrected/revised.
- Publicly available cost share waiver criteria data sources for recipients who decide to request consideration for cost share waiver approval.
- Resources to assist with National Environmental Policy Act (NEPA) compliance, workplan and budget development, and complete application instructions.

You can also visit <u>EPA Community Grants</u> for program updates and to access training information and additional resource materials as they become available.

I strongly encourage you to read these guidelines and become familiar with the requirements that will be applicable to your projects.

In the next few weeks, staff from EPA will be reaching out to you for the purpose of assessing the readiness of your project to proceed to bid/construction. We will make that assessment through a series of questions we have developed to inform us in that regard. As mentioned in my March 8 email, we are currently hard at work with the FY22 CDS recipients on their projects to move them forward and work towards grant award for those

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projects. Because of this, it will take time for us to assign specific EPA Project Officers for the FY23 CDS recipients. In order to move on any FY23 project, EPA first needs to determine how soon your projects will be ready to proceed, knowing that many preliminary steps must be taken before any grant award can be made.

I thank you upfront for your patience as we work through this process together, and please try to make yourself available for the calls we will be making in the coming weeks.

Mark

Mark Spinale, Manager Municipal Assistance Section EPA Region 1 5 Post Office Square, Suite 100 Mail Code 06-2 Boston, MA 02109-3912 617.918.1547 (ph.) spinale.mark@epa.gov

Community Grants Program

FY 2023 FINAL IMPLEMENTATION GUIDANCE APRIL 2023

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Purpose

This document provides information and guidelines on how the U.S. Environmental Protection Agency (EPA) will award and administer water infrastructure projects identified as Congressionally Directed Spending (CDS) and Community Project Funding (CPF) items in Appropriations Acts. For Fiscal Year (FY) 2023, the Consolidated Appropriations Act (P.L. 117-328) includes \$1,472,364,541 in the State and Tribal Assistance Grants (STAG) account for 715 drinking water, wastewater, stormwater infrastructure, and water quality protection projects.

Background

President Biden signed the FY 2023 Consolidated Appropriations Act (P.L. 117-328) into law on December 29, 2022. In this law, Congress continued the practice of funding specifically named community infrastructure projects, referred to by the Senate as CDS items and in the House of Representatives as CPF items. Appendix A of this document provides the pertinent section of the Consolidated Appropriations Act, 2023, also referred to as the EPA's FY 2023 Appropriations Act. Water infrastructure CDS/CPF projects are further referred to as Community Grants projects in this document.

Eligibility

Community Grants projects are designated for the planning, design, and construction of drinking water, wastewater, and stormwater infrastructure and for water quality protection. Eligible Community Grant projects are included in Appropriations Acts. For FY 2023, eligible projects are referenced in the explanatory statement found in Appendix A. Appendix B lists each project that is eligible for funding under the FY 2023 Appropriations Act and identifies the state, recipient name, purpose, and appropriated funding amount of each project. EPA will use the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) framework to guide implementation of these Community Grants; the CWSRF and DWSRF eligibilities should be referred to for development of workplans, project scopes, costs, and sub-awards. Funds appropriated for Community Grants projects may not be awarded solely to repay loans received from SRF programs or to repay other debts unless there are explicit instructions to do so in Appropriations Acts or accompanying explanatory statements and/or committee reports. These funds may not be used for operation and maintenance.

Technical Corrections

Should a Community Grant recipient identified in an Appropriations Act need to modify the type, purpose, or named recipient of the Community Grant, a technical correction will be needed. The Agency's FY 2006 Appropriations Act (P.L. 109-54) included a permanent authority that allows EPA to make technical corrections to Community Grants only after consultation with Congress, without the need for additional legislation. For example, if a recipient (e.g., City of Salem) is named in the authorizing language but a different legal entity (e.g., Salem Wastewater

¹ In the FY 2023 Consolidated Appropriations Act, EPA received a total of 733 CDS/CPF projects for \$1,502,588,541. Of this total, 715 projects are for water community projects; this document pertains to these projects.

Utility) owns the infrastructure, the recipient can request a technical correction. As another example, if the Appropriations Act provides for a specific type of project (e.g., drinking water) when a different type of project (e.g., wastewater) is needed, the recipient can request a technical correction to change the project type.

Appropriate Types of Technical Corrections

A technical correction can be made for all, or part of a project identified in an Appropriations Act to change the recipient, the purpose, or both. The statutory language that provides EPA with the authority to make technical corrections does not limit the extent to which a technical correction can alter the original project, if the new project provides for water quality protection or involves construction² of drinking water, wastewater, or stormwater infrastructure. Technical corrections cannot, however, be used to change the project purpose to debt repayment, because debt repayment does not meet the statutory terms of the authority. After consultation with the House and Senate Committees on Appropriations, EPA will generally approve changes in purpose that meet the above criteria or changes in recipient where both the original entity and the new entity to be named concur with the change. Any technical correction request involving a change to both the purpose and the recipient entity must be accompanied by additional documentation explaining:

- The need or reason for the change;
- The relationship between the two entities;
- Who initiated the request; and
- The involvement of any third parties, if known.

Additional information on technical corrections is provided in Appendix C.

Cost Share Requirements

Appropriations Acts require each Community Grant recipient to provide a cost share from non-federal sources unless the recipient is approved for a cost share waiver by EPA. For FY 2023, the cost share amount is 20% of the total grant project cost. All contributions toward cost share should be included in the grant budget and must be categorized in the appropriate grant budget category (see <u>Appendix D</u> for more information on budget development). The source of the cost share must be included in the workplan and payment requests. EPA may pay 80% of costs shown on approved payment requests up to the approved federal funding amount.

- All grant funds, including a cost share, can be used only for allowable costs in executing
 the project. All cost sharing funds must have supporting source documents (a record that
 supports a transaction).
- Services donated to recipients may be furnished by professional and technical personnel and consultants in accordance with <u>2 CFR 200.434</u>. Dollar values must be placed on all

² "The term 'construction' means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, field testing of innovative or alternative waste water treatment processes and techniques meeting guidelines promulgated under section 1314(d)(3) of this title, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items." (33 U.S.C. § 1292(1)).

- donated services in accordance with <u>2 CFR 200.306</u>. All cost sharing funds must be included in the workplan and budget and be part of the grant's total project costs.
- All cost sharing funds must conform to the same laws, regulations, grant conditions, etc., as the federal funds within the grant; recipients may prefer to limit cost sharing to the amount required.

See Appendix D and Appendix F for information on general principles of cost allowability.

Sources of Cost Share

Eligible sources of "non-federal" funds to meet the cost share requirement are described below; recipients can use any or a combination of the following eligible sources if the requirements in $\underline{2}$ CFR 200.306 are met:

- 1) Public sources³. The following public funding sources can be used to meet the cost share requirement:
 - State appropriations;
 - Local government match to the grant project;
 - U.S. Department of Housing and Urban Development, Community Development Block Grant funds;
 - U.S. Department of Agriculture, Rural Development funds;
 - Appalachian Regional Commission funds; and,
 - The CWSRF and DWSRF programs if those funds are:
 - o non-federal funds such as loan repayments, interest earnings, bond proceeds, and fees, or
 - o a state contribution to the SRF above the statutorily required 20% match. *Note:* EPA has issued a class deviation document pertaining to CWSRF and a policy memo pertaining to DWSRF that allow Community Grant recipients to use certain sources of funds from the two SRF programs as the non-federal cost share. The class deviation and policy documents allow SRF programs to use the non-federal and non-state match share of SRF funds to provide loans that Community Grant recipients can use as the cost share for community projects.

Funding made available to jurisdictions through the American Rescue Plan Act of 2021 (ARPA), including ARPA Revenue loss funds, <u>cannot</u> be used to meet the non-federal cost share requirement.

- 2) Private sources. These include funding from a business or nonprofit contributing to the project.
- 3) In-kind services. These may include the applicant's administrative expenses for managing and overseeing the grant and projects, provided that the expenses are not being reimbursed by the federal share of the grant award. In-kind services contributed by other

³ Community Grant recipients can use federal funds from other programs as all, or part, of the cost share only if the statute authorizing those programs specifically allows the funds to be used as match for other federal grants. Additionally, other federal program funding must be allowed to support the planning, design and/or construction of drinking water, wastewater, or stormwater infrastructure projects.

entities may also be allowable as cost share. Force accounts may be used as in-kind services: personnel costs include salaries, wages, and allowable incentive compensation for recipient employees (i.e., who receive W-2 forms) who spend time working on the project. In-kind (cost share) contributions must be verifiable and documented. For example, if the recipient does not intend to charge the EPA assistance agreement for all time employees spend working on the project, the applicant may include salaries or wages in the personnel category for cost share purposes.

Determining Cost Share Amount

For the purposes of calculating the cost share amount, the amount specified in the FY 2023 Appropriations Act for EPA's contribution represents 80% of the total grant project cost. Grant applications are not required to reflect costs that exceed total grant project costs as calculated below; this is the minimum total grant project cost required to receive the full FY 2023 appropriation amount.

The following example demonstrates how to calculate the cost share amount using \$100,000 as the EPA contribution:

A. Identify the Total Grant Project Cost

Divide the EPA contribution by .80 to calculate the total grant project cost: $$100,000 \div 0.80 = $125,000$. \$125,000 is the total grant project cost

B. Multiply the Total Grant Project Cost by .20 to determine the cost share amount Total grant project cost x .20 = required cost share amount $$125,000 \times .20 = $25,000$

\$25,000 is the required 20% cost share amount

C. Confirm

Total grant project cost = EPA Contribution + Cost Share Amount. \$125,000 = \$100,000 + \$25,000

Waivers to Cost Share Requirements

EPA supports waiving required non-federal cost share for projects located in, or that primarily serve, disadvantaged communities. EPA is using the discretion provided by the FY 2023 Appropriations Act (see <u>Appendix A</u>) to consider waiving or reducing statutorily required non-federal cost share on Community Grant funds when requested and appropriate.

For projects identified in the FY 2023 Appropriations Act, EPA will consider the Cost Share Waiver Criteria A – F⁴ below, in defining disadvantaged communities for the purposes of Community Grants. This set of criteria differs from that which is available when EPA considers requests for waivers from the cost share requirement for projects identified in the FY 2022 Appropriations Act.⁵ Projects identified in the FY 2023 Appropriations Act that are in communities that meet at least one of the criteria below may request a waiver of the non-federal cost share requirement under the Community Grants Program. Systems that serve large service areas with a specific project that will primarily serve a subset of its service area that meets one of these criteria may also request a waiver.

Waivers to the cost share requirement must be approved by EPA's Assistant Administrator for Water, in accordance with EPA's Delegation of Authority 1-102.⁶ Recipients requesting cost share waivers should submit a written request to the Regional EPA Project Officer for consideration. Waiver requests should include applicable Cost Share Waiver Criteria(s) and any related supporting documentation including source data retrieved from the websites noted below.

Many of the criteria can be found online on the <u>Census Bureau's</u> website. Recipients can start by entering their community's name in the search bar and viewing the community's profile. Tables and graphics from the Census Bureau's website can be downloaded or embedded in a recipient's cost share waiver request. Recipients should use the most recent data available. Specific tables with more detailed information and other publicly available datasets beyond the community profile page for each metric are provided below.

Cost Share Waiver Criteria

A. Community median household income (MHI) is less than 80% of State MHI

- o MHI can be found on a <u>community's profile page of the US Census Bureau use</u> the search function to find your <u>community</u>. Communities should use the most recent data available.
- MHI is also available for most communities from the latest annual Census American Community Survey (ACS) data collection. In the few cases where a

⁴EPA developed Cost Share Waiver Criteria A – F for the purposes of assessing the appropriateness of waiving the cost share requirement for the 715 drinking water, wastewater, stormwater infrastructure, and water quality protection projects identified in the FY2023 Consolidation Appropriations Act, based on EPA's Memorandum: Implementation of the Clean Water and Drinking Water State Revolving Fund Provisions of the Bipartisan Infrastructure Law, March 8, 2022 (see Attachment 1, Appendix E, of the memorandum).

⁵ EPA's FY 2022 Community Grants Implementation Guidance identifies three criteria that are not available for consideration of cost share waivers for projects identified in the FY 2023 Appropriations Act: Communities with \geq 3.4% unemployed population \geq 16 years in civilian labor force, Communities with \geq 12.1% vacant households, and Communities in counties with Social Vulnerability Index scores higher than 0.80.

⁶ EPA's Delegation of Authority 1-102, Grants and Cooperative Agreements for Water Infrastructure Projects or Other Water Resource Projects from Funds Appropriated for the State and Tribal Assistance Grant Account or the Environmental Programs and Management Account, authorizes EPA's Assistant Administrator for Water and Regional Administrators, "To approve and administer grants and cooperative agreements for water infrastructure projects or other water resource projects from funds appropriated for the State and Tribal Assistance Grant Account or the Environmental Programs and Management Account or any successor accounts, including a project authorized by Section 510 of the Water Quality Act of 1987, P.L. 100-4, 101 Stat. 7,80, EPA's FY 1991 Appropriations Act (P.L. 101-507), and any subsequent public law; and to perform other activities necessary for the effective administration of those grants and cooperative agreements."

local jurisdiction's MHI is not available, the surrounding county's MHI may be sufficient. The Census Bureau provides annual 5-Year Average Median Household Income data in Table B19013. Click on the B19013 Table, select GEOS and search under "most common geographies" select "State" and then select the relevant and enter community name in the search bar.

B. Communities with \$25,766 or less upper limit of Lowest Quintile Income

Communities can view their Lowest Quintile Income on the <u>Census Bureau</u> website and search by community name and "B19080 HOUSEHOLD INCOME QUINTILE UPPER LIMITS." Communities should use the most recent data.

C. Communities with ≥ 30.9% Population Living Under 200% of Poverty Level

- o The US Department of Health and Human Services provides <u>US Federal Poverty</u> <u>Guidelines</u>, including a chart with percentage of poverty levels (i.e., 200%).
- o More detailed information on the population living under the poverty level can be found in <u>Table S1701</u>: Poverty Status in the <u>Past 12 months for communities</u>.

D. Community with census tracts that have a poverty rate greater than or equal to 20%

- o Percent of the poverty rate can be found on a community's profile page provided by the Census Bureau.
- o More detailed information can be found in <u>Table S1701</u>: Poverty <u>Status in the Past 12 months</u>.

E. Combined sewer and drinking water costs are greater than 2% of the 20th percentile household income

- Communities can view their Lowest Quintile Income on the <u>Census Bureau</u> website and search by community name and "B19080 HOUSEHOLD INCOME QUINTILE UPPER LIMITS". Communities should use the most recent data.
- o The total bills for one year for residential customers can be found from the community's local utilities.

F. Communities with ≥ 11.7% Population Receiving Food Stamps/SNAP Benefits

o Communities can find the percentage of their population receiving SNAP benefits on the <u>Census Bureau</u> website. Select "view state and local data" to search by state and then City/town or county.

Insular Territories Projects

The non-federal cost share requirement is waived for any community projects located in the U.S. territories. This is consistent with the Omnibus Territories Act of 1977, which authorizes Departments and Agencies to award grants to Insular Territories, such as the U.S. Virgin Islands, without a match requirement.

Tribal Projects

Consistent with the implementation of the Clean Water Indian Set-Aside Grant Program under Clean Water Act (CWA) Section 518 and the Drinking Water Infrastructure Grants Tribal Set-Aside Program under Safe Drinking Water Act (SDWA) Section 1452(i), which do not require tribal cost share, EPA will waive the non-federal cost share for tribal community projects.

Grant Administration: Community Grants Lifecycle

EPA's Community Grant appropriations are STAG infrastructure grants to improve water infrastructure and water quality through funding for drinking water, wastewater, and stormwater projects. Appendix B lists the 715 water CDS/CPF projects identified in the FY 2023 Appropriations Act. These 715 projects are collectively funded "off the top" at a level of \$863,108,642 from the FY 2023 general CWSRF appropriations and \$609,255,899 from the FY 2023 general DWSRF appropriations.

EPA's Regional Offices will administer Community Grants as authorized under EPA's Delegation of Authority 1-102.⁶ Per EPA's Delegation of Authority 1-14A,⁷ EPA Regional Administrators are authorized to award grants and cooperative agreements, including Community Grants, that were appropriated in FY 2023.

The following sections describe the lifecycle stages of each award. Additional information on grants policies and resources, including on receiving and managing EPA grants, is listed in **Appendix F**.

Pre-Award Phase

While Congress directs Community Grant funds to specified recipients for defined projects, recipients are required to fulfill statutory and regulatory requirements before EPA can award grant funding. These requirements include but are not limited to providing necessary information for the National Environmental Policy Act (NEPA) environmental review, review of any preaward costs, and submitting a complete grant application package. Appendix D and Appendix E provide information on grant application package content and submission.

1. NEPA Environmental Review

As required by EPA's NEPA implementing regulations (40 CFR 6.100-6,406), EPA must complete the NEPA review process before awarding a grant for design and/or construction.

The requirement for an environmental review under NEPA generally does not apply to grants solely for planning activities, such as infrastructure assessments, watershed plans, and wastewater capital improvement plans. Applicants should check with their <u>EPA Regional Contact</u> to determine if NEPA applies to a particular Community Grant. See the <u>Regulations and Requirements</u> section and <u>Appendix F</u> for additional information about NEPA Environmental Review.

2. Pre-award Costs and Procurement Review

Costs incurred prior to grant awards may be eligible for reimbursement if the costs are in conformance with applicable federal and EPA statutes and regulations. Incurred costs are financial obligations: costs owed by an entity as a result of a transaction. The costs may have

⁷ EPA's *Delegation of Authority 1-14A*, *Assistance Agreements*, authorizes Regional Administrators, the Assistant Administrator for Mission Support, and the Chief Financial Officer, "To take all necessary actions to award, obligate and de-obligate funds for, and administer fellowship, grant, cooperative and loan agreements (hereinafter financial assistance), and to make any final determinations required by law or regulations, with eligible recipients."

been paid or remain unpaid. The regulations at <u>2 CFR 200.458</u> require that pre-award costs be incurred "...directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the Federal awarding agency. If charged to the award, these costs must be charged to the initial budget period of the award, unless otherwise specified by the Federal awarding agency or pass-through entity."

For Community Grants projects identified in the FY 2023 Appropriations Act, pre-award costs must be incurred on or after October 1, 2022, to be considered for eligibility. Notwithstanding, and consistent with 2 CFR 1500.9, all costs incurred before EPA makes the award are at the recipient's risk. EPA shall review the eligibility of such costs on a case-by-case basis prior to approving the project budget and awarding the grant.

A review of pre-award costs includes a review of contracts executed prior to award for compliance with applicable procurement regulations as described in <u>Regulations and Requirements</u>.

3. Application Forms, Workplan, and Submitting an Application

Upon completion of an environmental review under NEPA, development of a project workplan⁸, and review of any pre-award costs (including any costs related procurement), applicants should submit a complete grant application package to EPA. The workplan and application must include any pre-award costs. Recipients must ensure that their organizations have registered with the federal government's <u>System for Award Management (SAM)</u>. Recipients must have an active registration/record with <u>SAM.gov</u> and complete the <u>Grants.gov</u> registration process to apply for any federal funding.

The complete grant application includes several forms, as described in <u>Appendix D</u>. These forms must be downloaded from the Community Grant opportunity package on Grants.gov - generic versions of the standard forms not downloaded from the Grants.gov website will not

⁸ The SRF appropriations are the vehicles being used to appropriate the CDS/CPF funds. However, the SRF authorities do not govern or authorize the CDS/CPF grants. The Consolidated Appropriations Act is structured so that the CDS/CPF funding is taken from the total amount in the SRF appropriations prior to the SRF allocation to the states. Accordingly, Program Results Codes (PRCs) have been assigned to each CDS/CPF project's funding based on the SRF account from which each project's funding was appropriated. However, the authorities governing the CDS/CPF projects are the language in the FY 2023 Consolidated Appropriations Act, which states that, "...\$863,108,642 of the funds made available for capitalization grants for the Clean Water State Revolving Funds and \$609,255,899 of the funds made available for capitalization grants for the Drinking Water State Revolving Funds shall be for the construction of drinking water, wastewater, and storm water infrastructure and for water quality protection..." and in the explanatory statement accompanying the FY 2023 Consolidated Appropriations Act (Appendix A)." Therefore, CDS/CPF grant/workplan activities may entail construction of drinking water, wastewater, and storm water infrastructure, and water quality protection related tasks, irrespective of EPA's assignment of PRC. Additionally, there is language in the explanatory statement that indicates the SRF is not intended to be the authority for the CDS/CPF funds. For example, the explanatory statement states: "Applicable Federal requirements that would apply to a Clean Water State Revolving Fund or Drinking Water State Revolving Fund project grant recipient shall apply to a recipient receiving a CDS/CPF grant under this section." That direction would be unnecessary if Congress was appropriating the CDS/CPF funds under the SRF authorities.

be accepted. See <u>Appendix D</u> for instructions on how to navigate to the Funding Opportunity Package and download the standard forms. <u>Appendix F</u> includes information on budget development and allowability of costs. In addition to the required forms, grant applicants must submit a project workplan that describes the proposed project, the milestone schedule, the need for the project, and the anticipated environmental and public health benefits (outputs and outcomes). See Community Grants Workplan Contents/Outline in <u>Appendix E</u> for more information.

Applicants must submit a complete application package (with all required forms, a workplan, and additional required documentation) for EPA review and approval, through the grants.gov portal. See additional information in <u>Appendix D</u>.

Post-Award Phase

After receiving an award, the recipient is ready to start working on the activities outlined in the approved workplan. Adhering to various grant regulations and the terms and conditions outlined in the grant agreement are critical to ensuring a successful grant project.

- Recipients submit payment requests to EPA for incurred costs. In some cases, pre-award costs may be included. Once the payment request is approved, the recipient can draw down the requested amount. As required by 2 CFR 200.305(b), EPA requires that recipients of EPA financial assistance participate in the Automated Standard Application for Payments (ASAP) system. Recipients must request payment for the minimum amounts needed for actual and immediate cash. Recipients will submit a payment request including supporting documentation such as copies of bills (vouchers, invoices, etc.), along with a description of services rendered, time spent, and charges for EPA review and approval. After review and approval, EPA will pay the recipient for the federal share of the allowable costs shown on the payment request. Information on ASAP is available online.
- EPA grants contain General, Administrative, and Programmatic terms and conditions, which
 include reporting requirements such as filing an interim (annual) Federal Financial Report
 (FFR), annual MBE/WBE Reporting, and progress report submission. EPA's General Terms
 and Conditions are applicable to all EPA awards, and additional terms and conditions for
 Community Grants awards will be specified in individual award agreements. Recipients
 should regularly review grant award terms and conditions throughout the life of the project to
 ensure that the organization remains in compliance with all requirements and must inform
 EPA if problems arise that jeopardize the completion of the project. EPA Regional Offices
 perform construction monitoring and oversight.
- Recipients' personnel payroll and records system must be capable of providing reports on the
 activities of each employee who works directly on a grant. Charges to federal awards for
 salaries and wages must be based on records that accurately reflect the work performed.
 Activity reports are typically signed by the individual employee and/or by a responsible
 supervisory official having first-hand knowledge of the activities performed by an employee.
 The supervisor should be able to certify that the distribution of activity represents a
 reasonable estimate of the actual work performed by the employee during the periods

covered by the reports. <u>2 CFR 200.430</u> provides additional information on Standards for Documentation of Personnel Expenses.

- Recipients should contact the EPA Project Officer should any changes to the grant agreement (e.g., workplan, milestone schedule, budget) become necessary for the project to succeed, as soon as possible to discuss the changes. In accordance with <u>2 CFR 200.308</u>, most changes must be approved by EPA and may require a formal amendment to the assistance agreement.
- EPA conducts administrative monitoring, including reviewing recipient invoices/payment requests and programmatic reports, and can request access to all records and conduct grant audits. EPA can disallow costs and take enforcement actions if the recipient fails to remain in compliance.

Closeout Phase

Closeout refers to the process EPA uses to determine that a recipient has completed all the required workplan activities under a grant and confirm that all applicable financial and administrative requirements as described in <u>2 CFR 200,344</u> have been met.

- Recipients must submit the final progress report according to the terms and conditions listed
 in the grant agreement and should demonstrate satisfactory completion of all workplan tasks
 and activities.
- Recipients prepare and submit several reports as part of the grant closeout process. <u>EPA's Frequently Asked Questions about Closeouts</u> provides information about closeout requirements, procedures, records retention, and associated regulations. EPA provides more information for recipients via the <u>online course on closing out grants</u>.

Regulations and Requirements

Recipients are responsible for compliance with many statutes, regulations, and requirements including but not limited to EPA's general regulations. In addition, each grant agreement will specify terms and conditions that establish a legally binding agreement between EPA and the recipient including but not limited to EPA's General Terms and Conditions. Details and information related to several requirements that are of particular importance for recipient compliance prior to receiving grant awards are discussed below. Additional information and resources on these requirements, including recipient responsibilities for compliance, can be found in Appendix F. EPA will review documentation from recipients to assess eligibility of costs incurred in accordance with EPA's General Principles for Cost Allowability, as described in EPA's Interim General Budget Development Guidance.

Environmental Review

NEPA and other relevant applicable statutes and Executive Orders, such as the Endangered Species Act (ESA), apply to Community Grants projects authorized by the Annual Appropriations Acts. The applicable NEPA regulations are the Council of Environmental

Quality's (CEQ) implementing regulations at 40 CFR Parts 1500-1508 and EPA's NEPA regulations at 40 CFR Part 6. In accordance with EPA's NEPA regulations, EPA must complete the NEPA process before issuing a grant award for construction activities.

NEPA and other cross-cutting Federal requirements that apply to the project (i.e., the approval and/or funding of work beyond the conceptual design point) cannot be delegated. Although EPA may fund the recipient's development of an Environmental Information Document (EID) or other analysis for cross cutting authorities or executive orders in order to provide supporting information, EPA has the legal obligation to make the NEPA related decision, to issue the NEPA documents, to sign NEPA determinations, and to fulfill other cross-cutting Federal requirements before approving or paying for design and/or construction. Therefore, EPA grant funds cannot be used to prepare a federal document, such as an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

When both EPA and another Federal agency are funding the same project, the agencies may negotiate an agreement for one to be the lead agency for performing grant oversight and management activities, including those related to NEPA and other cross-cutting Federal requirements. The lead agency can be the one that is providing the most funds for the project, or the agency that provided the initial funds for the project. The CEQ NEPA regulations at 40 CFR 1501.7(c) provide the factors listed in order of descending importance to determine the lead agency designation. If an EIS is required on a joint or related Federal action, EPA may serve as a co-lead or request to be a cooperating agency. In addition, EPA may adopt another Federal agency's EIS or EA. Note EPA may adopt another Federal agency's EA and use it as a basis for its Finding of No Significant Impact (FONSI), provided EPA has independently reviewed the EA and agrees with the analysis and circulates the FONSI and attached EA for the requisite 30-day comment period.

Recipients with CWSRF or DWSRF co-funded projects for which a State Environmental Review Process (SERP) has been completed can submit the completed state analysis for EPA review. EPA will review the SERP document and will incorporate by reference any pertinent part of that document into EPA's environmental document. EPA will request additional information from the recipient if necessary for EPA to conduct its own environmental analysis.

Each federal agency has its own regulations pertaining to the NEPA environmental review process. Recipients with projects that have undergone an environmental review by another federal agency may submit documents pertaining to another federal agency's analysis for EPA review. EPA will independently review these documents to determine if the proposed actions is substantially the same and if it meets the standards of an adequate EIS, EA, or Categorical Exclusion (CATEX) determination. If so, EPA may adopt the federal EIS, EA, or CATEX determination, pursuant to 40 CFR 1506.3. If EPA is unable to adopt the federal EIS, EA, or CATEX determination, EPA will conduct its own environmental review and incorporate by reference any pertinent part of the agency's environmental document. EPA will request additional information from the recipient if necessary for EPA to conduct its own environmental review. See Appendix F for additional information on CATEX and EID development.

For design and construction projects for which another federal agency has not completed a NEPA review and projects that CWSRF or DWSRF do not co-fund and/or have not undergone a SERP, recipients will need to determine whether to request a CATEX from EPA or to prepare and submit an EID in order to proceed with a NEPA review.

Procurement

In general, all procurement transactions for professional engineering services and construction contractors must be conducted in a manner that includes and promotes fair and open competition from an adequate number of qualified sources. <u>2 CFR 200.320</u> details the specific methods of procurement to be followed and the circumstances under which each method can be used. Recipients and subrecipients must have and use documented procurement procedures, consistent with State, local or tribal laws and regulation as well as Federal laws and regulations in accordance with the Procurement Standards contained in <u>2 CFR 200.317 – 2 CFR 200.327</u>.

In accordance with 2 CFR 200.325, recipients must provide EPA with technical specifications on proposed procurements when requested by EPA, including when pre-award costs are being considered for eligibility. In addition, upon request by EPA's Grants Management Office (GMO) under 2 CFR 200.325 or 2 CFR 200.337, grantees must provide procurement documents to EPA for pre-procurement review when EPA is concerned that the grantee's procurement procedures or practices do not comply with federal procurement requirements, including but not limited to procurements that do not comply with competition requirements. As provided in 2 CFR 200.332(d) and the terms of conditions of their EPA award, pass-through entities are responsible for monitoring subrecipient compliance with procurement requirements in 2 CFR Parts 200 and 1500. EPA's GMO may also request that pass-through entities provide EPA with information regarding subrecipient compliance with these requirements.

Selection of Architects and Engineers (projects inclusive of CWSRF-eligible activities)

Projects consisting of CWSRF-eligible activities, irrespective of whether such projects are cofunded with CWSRF funding, must comply with the procurement processes for architectural and engineering (A/E) services as identified in 40 U.S.C. 1101 et seq., or an equivalent State requirement. Where equivalent State requirements are complied with, the source of the requirement (e.g., existing State legislation or regulation, etc.) must be stated, and the Governor of the State must provide a certification to accompany the grant application that the State's A/E procurement requirements are equivalent to 40 U.S.C. 1101 et seq.. In lieu of a certification from the Governor, the Attorney General's certification submitted with each grant application may include the A/E certification.

EPA's Disadvantaged Business Enterprise (DBE) Program

EPA's <u>DBE Program</u> applies to all EPA Assistance Agreements and requires recipients who procure goods and/or services to: employ the good faith efforts, document their efforts, and maintain DBE forms and other documentation from the prime contractor. EPA grant recipients and subrecipients are required to seek and encouraged to utilize disadvantaged business enterprises (DBEs) for their procurement needs under grant agreements. Recipients and subrecipients must ensure that their contracts contain the following term and condition:

"The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in termination of this contract or other legally available remedies."

Other DBE requirements are identified in 40 CFR Part 33.

Davis Bacon Act (DBA)

The DBA requires that all contractors and subcontractors performing construction, alteration, and repair (including painting and decorating) work under federal contracts in excess of \$2,000, pay their laborers and mechanics not less than the prevailing wage and fringe benefits for the geographic location. DBA requirements may be extended to federal financial assistance programs by the terms of other statutes (referred to as Davis Bacon and Related Acts (DBRA)) establishing or funding the programs. The FY 2022 Appropriations Act provides that those federal requirements that would apply to a CWSRF or DWSRF project grant recipient shall also apply to a grantee receiving a Community Grant, and the FY 2023 Appropriations Act directs the Agency to follow the guidance in the joint explanatory statement accompanying the FY 2022 Appropriations Act (see Appendix A). Consequently, the FY 2023 Appropriations Act extends DBRA provisions applicable to state revolving fund projects to the Community Grants. Clean Water Act (CWA) Sec. 513 applies DBA requirements to projects for treatment works, DBA requirements apply to all laborers and mechanics employed by contractors and subcontractors with job duties that are physical and manual in nature including: laborers and mechanics, watchmen or guards (under certain conditions), and working foremen (under certain conditions). The term laborer or mechanic does not include workers whose duties are primarily administrative, executive, or clerical, rather than manual. Requirements only apply to construction at the "site of the work," which has generally been defined as the physical place where the construction occurs. Work conducted off-site is generally not covered. EPA's Interim Davis-Bacon Act Guidance provides additional information on requirements and compliance.

Build America, Buy America (BABA)

BABA states that: "[N]one of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States." Project means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States. This law applies to all Federal financial assistance as defined in section 2 CFR 200.1, whether funded through the Infrastructure Investment and Jobs Act (IIJA) or not. New awards made on or after May 14, 2022, must comply with BABA requirements. EPA provides information and guidance on BABA compliance, implementation, and any applicable waivers. Recipients are required to ensure that procurement plans comply with BABA requirements prior to grants being awarded.

American Iron and Steel (AIS)

The AIS provision requires recipients to use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works. Compliance with AIS requirements for iron and steel products will satisfy a subset of BABA requirements (e.g., those pertaining to iron and steel); however, BABA also includes requirements pertaining to manufactured goods and construction materials, which must also be met. Projects in compliance with BABA are in compliance with AIS. EPA provides information and guidance on AIS compliance and implementation, any applicable waivers, as well as a step-by-step process for requesting waivers and the circumstances under which waivers may be granted.

Federal Cross-cutting Requirements/Other Applicable Federal Laws

Recipients must comply with Federal cross-cutting requirements as well as other applicable Federal laws. These requirements may include but are not limited to –

- Environmental Authorities: Archeological and Historic Preservation Act, Pub. L. 93-291, as amended; Clean Air Act, Pub. L. 95-95, as amended; Clean Water Act, Titles III, IV and V, Pub. L. 92-500, as amended; Coastal Barrier Resources Act, Pub. L. 97-348; Coastal Zone Management Act, Pub. L. 92-583, as amended; Endangered Species Act, Pub. L. 93-205, as amended; Environmental Justice, Executive Order 12898; Flood Plain Management, Executive Order 11988, as amended by Executive Order 12148; Protection of Wetlands, Executive Order 11990, as amended by Executive Order 12608; Farmland Protection Policy Act, Pub. L. 97-98; Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended; Magnuson-Stevens Fishery Conservation and Management Act, Pub. L. 94-265; National Environmental Policy Act, Pub. L. 91-190; National Historic Preservation Act, Pub. L. 89-655, as amended; Safe Drinking Water Act, Pub L. 93-523, as amended; Wild and Scenic Rivers Act, Pub. L. 90-54, as amended;
- Economic and Miscellaneous Authorities: OSHA Worker Health and Safety Standards; Contract Work Hours and Safety Standards Act, Pub. L. 91-54; Debarment and Suspension, Executive Order 12549; Demonstration Cities and Metropolitan Development Act, Pub. L. 89 -754, as amended, and Executive Order 12372; Drug-Free Workplace Act, Pub. L. 100-690; Copeland "Anti-kickback" Act, Pub. L. 73-324; Government Neutrality Toward Contractor's Labor Relations, Executive Order 13202, as amended by Executive Order 13208; New Restrictions on Lobbying, Section 319 of Pub. L. 101-121; Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to Federal contracts, grants, or loans under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, and Executive Order 11738; Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended;
- Civil Rights, Nondiscrimination, Equal Employment Opportunity Authorities: Age Discrimination Act, Pub. L. 94-135; Equal Employment Opportunity, Executive

Order 11246; Section 13 of the Clean Water Act, Pub. L. 92-500; Section 504 of the Rehabilitation Act, Pub. L 93-112, supplemented by Executive Orders 11914 and 11250; Title VI of the Civil Rights Act, Pub. L 88-352;

- O Under Title VI of the Civil Rights Act, EPA has a responsibility to ensure that federal funds are not being used to subsidize discrimination based on race, color, or national origin. This prohibition against discrimination under Title VI has been a statutory mandate since 1964, and EPA has had Title VI regulations since 1973. EPA's nondiscrimination regulations prohibit recipients of EPA financial assistance from taking actions in their programs or activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex.
- Disadvantaged Business Enterprise Authorities: EPA's FY 1993 Appropriations
 Act, Pub. L. 102-389; Section 129 of the Small Business Administration
 Reauthorization and Amendment Act, Pub. L. 100-590; Small, Minority and
 Women Owned Business Enterprises, Executive Orders 11625, 12138, and 12432.

Regional Contacts

For general questions about the Community Grants Program, or for project specific questions that require the assistance of an EPA Regional Office, contact the EPA Regional Contact.

Appendix A: Statutory Language

The Consolidated Appropriations Act, 2023,9 contains the following provision:

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,480,428,000, to remain available until expended, of which—(1) \$1,638,861,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$1,126,101,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: Provided, That \$863,108,642 of the funds made available for capitalization grants for the Clean Water State Revolving Funds and \$609,255,899 of the funds made available for capitalization grants for the Drinking Water State Revolving Funds shall be for the construction of drinking water, wastewater, and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) for projects specified for "STAG-Drinking Water SRF" and "STAG-Clean Water SRF" in the table titled 'Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items" included for this division in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and, for purposes of these grants, each grantee shall contribute not less than 20 percent of the cost of the project unless the grantee is approved for a waiver by the Agency[.]

The aforementioned "explanatory statement¹⁰" accompanying the Consolidated Appropriations Act, 2023, states:

The bill provides \$4,480,428,000 for the State and Tribal Assistance Grants program and includes the following specific funding levels and direction: Community Project Funding Items/Congressionally Directed Spending Items.-From within funds provided for capitalization grants for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund, the Committees recommend \$863,108,642 from the Clean Water SRF and \$609,255,899 from the Drinking Water SRF be for Community Project Funding/Congressionally Directed Spending grants for the construction of drinking water, waste-water, and storm-water infrastructure and for water quality protection. The Agency is directed to follow the guidance in the joint explanatory statement accompanying Public Law 117-103.

The aforementioned joint "explanatory statement" accompanying Public Law 117 - 103, states:

⁹ P.L. 117-328.

¹⁰ Explanatory Statement Explanatory Statement for Division G of P.L. 117-328.

¹¹ Explanatory Statement for Division G of P.L. 117-103.

Community Project Funding Items/Congressionally Directed Spending Items.—From within funds provided for capitalization grants for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund, the Committees recommend \$443,639,051 from the Clean Water SRF and \$397,766,044 from the Drinking Water SRF be for Community Project Funding/Congressionally Directed Spending grants for the construction of drinking water, waste-water, and storm-water infrastructure and for water quality protection. Each project shall provide not less than 20 percent matching funds from non-Federal sources, unless approved for a waiver. Applicable Federal requirements that would apply to a Clean Water State Revolving Fund or Drinking Water State Revolving Fund project grant recipient shall apply to a grantee receiving a CPF grant under this section. The Committees note that the following funding sources are to be treated as non-Federal funds and can be used to meet the non-Federal matching fund requirement: U.S. Department of Housing and Urban Development, Community Development Block Grant program; U.S. Department of Agriculture, Rural Development Program; and Appalachian Regional Commission grants. Funding made available to jurisdictions through the American Rescue Plan Act of 2021 (P.L. 117-2) are considered Federal funds and may not be applied towards the non-Federal cost share requirement. A detailed list of projects is in the table titled "Interior and Environment Incorporation of Community Project Funding Items/Congressionally Directed Spending Items."

Appendix B: List of EPA Congressionally Directed Spending Community Projects and Funding Levels (EV 2022 Congolidated Appropriation A. C.)

(FY 2023 Consolidated Appropriations Act)

		Project	对于有力能发展的
STAG Account	State	(Recipient Name and Purpose)	Amount (S)
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The list below is organized by: (1) Community projects funded by the Clean Water SRF; and (2) Community projects funded by the Drinking Water SRF. Projects are arranged alphabetically by state within each category. Note that EPA made grammatical changes to remove extra spaces, hyphens, and periods. The original CDS list should be referred to for technical corrections.

Community Proje	cts Fund	ed with Clean Water SRF Appropriations (alphabetical by	state)
STAG—Clean Water State Revolving Fund	AK	Municipality of Anchorage for the Regional Landfill Leachate Treatment Facility	13,000,000
STAG—Clean Water State Revolving Fund	AK	City of Kenai for Digestor Blower Replacements at the Wastewater Treatment Plant	2,900,000
STAG—Clean Water State Revolving Fund	AK	City of Seldovia for Bloch Street Sewer Line Replacement	746,000
STAG—Clean Water State Revolving Fund	AK	City of Wasilla for Wastewater Treatment Plant Sludge Digestor	2,500,000
STAG—Clean Water State Revolving Fund	AK	Municipality of Anchorage for the Powder Reserve Access Project	4,500,000
STAG—Clean Water State Revolving Fund	AK	Municipality of Anchorage for Ruane Road Culvert Replacement	1,600,000
STAG—Clean Water State Revolving Fund	AK	City of St. George for Potable Water and Sewer Line Replacement	3,000,000
STAG—Clean Water State Revolving Fund	AK	City of Seward for Sludge Removal for the Lowell Point and SMIC Sewage Treatment Lagoons	2,000,000
STAG—Clean Water State Revolving Fund	AK	City of Soldotna for Wastewater Treatment Plant Headworks Rehabilitation	680,000
STAG—Clean Water State Revolving Fund	AK	City of Wasilla for Wastewater Treatment Plant Sludge Drying Beds	2,300,000
STAG—Clean Water State Revolving Fund	AK	City of Soldotna for Wastewater Biosolids Dewatering	960,000

STAG Account	State	Project (Reciplent Name and Purpose)	Agnount (\$)
STAG—Clean Water State Revolving Fund	AK	Municipality of Anchorage for the Holtan Hills Sewer Access Project	2,500,000
STAG—Clean Water State Revolving Fund	AK	City of Valdez for Municipal Sewer Force Main Replacement	5,000,000
STAG—Clean Water State Revolving Fund	AK	City of Palmer for Wastewater Treatment System Upgrade	6,900,000
STAG—Clean Water State Revolving Fund	AK	City of Seldovia for Lower Section of Raw Water Transmission Line Replacement	414,000
STAG—Clean Water State Revolving Fund	AK	City of Soldotna for pH Control of Wastewater Effluent	320,000
STAG—Clean Water State Revolving Fund	AK	City of Craig for Replacing Lift Stations in the Craig Wastewater Collection and Treatment System	760,000
STAG—Clean Water State Revolving Fund	AK	Petersburg Borough for Water Treatment Plant Clear Well Replacement	1,600,000
STAG—Clean Water State Revolving Fund	AK	Ketchikan Gateway Borough for Mountain Point Wastewater Treatment Plant Upgrades	1,760,000
STAG—Clean Water State Revolving Fund	AK	City of Wasilla for Wastewater Treatment Plant Suction Dredge	880,000
STAG—Clean Water State Revolving Fund	AK	Tagiugmiullu Nunamiullu Housing Authority for Wastewater Replacement Project	1,200,000
STAG—Clean Water State Revolving Fund	AL	City of Dauphin Island Stormwater Management Project	2,000,000
STAG—Clean Water State Revolving Fund	AL	City of Alexander City Coley Water Wastewater Treatment Plant Project	5,000,000
STAG—Clean Water State Revolving Fund	AR	City of Wilson for Clean Water Infrastructure	2,500,000
STAG—Clean Water State Revolving Fund	AR	City of Yellville Wastewater Collection and Treatment Improvements	2,160,000
STAG—Clean Water State Revolving Fund	AZ	Mohave County for Grace Neal Channel Stormwater Project	1,250,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	AZ	Gila Valley Irrigation District for Highline Canal Nonpoint Source Pollution Control	333,000
STAG—Clean Water State Revolving Fund	AZ	City of Show Low for Sewer Line Replacement	800,000
STAG—Clean Water State Revolving Fund	AZ	Santa Cruz County for Storm Water Management at Ephraim Canyon	2,000,000
STAG—Clean Water State Revolving Fund	AZ	Greenlee County for New Model Canal Stormwater Management	361,000
STAG—Clean Water State Revolving Fund	AZ	Wellton-Mohawk Irrigation and Drainage District for Wellton Canal Pipeline Project	500,000
STAG—Clean Water State Revolving Fund	AZ	Central Arizona Irrigation and Drainage District for New Water Conveyance System to Enable Nonpoint Source Pollution Control	934,000
STAG—Clean Water State Revolving Fund	AZ	Pima County for a Stormwater Drain at El Vado Wash	1,200,000
STAG—Clean Water State Revolving Fund	AZ	Silver Creek Flood Control District for Millet Swale Stormwater Management Project	2,224,350
STAG—Clean Water State Revolving Fund	AZ	City of Chandler for a Reclaimed Water Interconnect Facility	3,000,000
STAG—Clean Water State Revolving Fund	CA	Occidental County Sanitation District for Pipeline Design and Preconstruction Activities	1,450,000
STAG—Clean Water State Revolving Fund	CA	County of Butte for Palermo Clean Water Consolidation Project	2,500,000
STAG—Clean Water State Revolving Fund	CA	Tolowa Dee-Ni' Nation for Tolowa Wastewater Infrastructure Improvements	1,250,000
STAG—Clean Water State Revolving Fund	CA	San Bernardino Valley Municipal Water District for a Stormwater Recharge Project	2,500,000
STAG—Clean Water State Revolving Fund	CA	City of Rialto for the Lake Rialto Habitat Management and Community Open Space	2,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (\$)
STAG—Clean Water State Revolving Fund	CA	City of Santa Paula for the Harvard Boulevard Water and Sewer Pipeline Replacement	2,000,000
STAG—Clean Water State Revolving Fund	CA	City of Simi Valley for the Sewer Line Replacement near Easy Street and the Arroyo Simi	1,684,000
STAG—Clean Water State Revolving Fund	CA	Elsinore Valley Municipal Water District Canyon Lake Water Treatment Plant Phase 2 Upgrades	3,000,000
STAG—Clean Water State Revolving Fund	CA	Eastern Municipal Water District Quail Valley Septic- to-Sewer Conversion Project	2,500,000
STAG—Clean Water State Revolving Fund	CA	Orange County Sanitation District for a Supercritical Water Oxidation Project	3,452,972
STAG—Clean Water State Revolving Fund	CA	County of Santa Cruz for a Boulder Creek Sanitation District Expansion Project	2,000,000
STAG—Clean Water State Revolving Fund	CA	Eastern Municipal Water District Wine Country Sewer Infrastructure Project	2,000,000
STAG—Clean Water State Revolving Fund	CA	Western Municipal Water District Western Water Recycling Facility Project	3,920,000
STAG—Clean Water State Revolving Fund	CA	Padre Dam Municipal Water District—East County Advanced Water Purification Joint Powers Authority Project	2,400,000
STAG—Clean Water State Revolving Fund	CA	Yorba Linda Water District Green Crest Lift Station Rehabilitation Project	300,000
STAG—Clean Water State Revolving Fund	CA	City of San Clemente for Avenida Cordoba/ Via Avila Storm Drain Improvements	1,600,000
STAG—Clean Water State Revolving Fund	CA	City of Oceanside for the Loma Alta Creek Sewer Relocation	3,452,972
STAG—Clean Water State Revolving Fund	CA	South Coast Water District for a Coastal Recycled Water Expansion Program	3,452,972
STAG—Clean Water State Revolving Fund	CA	City of Los Angeles for a Hyperion Water Reclamation Plant Modernization project	3,452,972

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	CA	Sacramento Area Sewer District for a Franklin Community Septic to Sewer Conversion Project	3,000,000
STAG—Clean Water State Revolving Fund	CA	Helendale Community Service District Wastewater Treatment Plant Tertiary Upgrade Engineering and Design Project	1,000,000
STAG—Clean Water State Revolving Fund	CA	Big Bear Area Regional Wastewater Agency Replenish Big Bear Lake Project	1,000,000
STAG—Clean Water State Revolving Fund	CA	San Bernardino County—Desert Knolls Wash Phase IV Project	2,000,000
STAG—Clean Water State Revolving Fund	CA	City of Twentynine Palms Wastewater Treatment Facility Phase III	1,275,000
STAG—Clean Water State Revolving Fund	CA	Monterey One Water for a Cybersecurity and SCADA Resilience Project	1,252,000
STAG—Clean Water State Revolving Fund	CA	City of Coronado for the Parker Pump Station	3,000,000
STAG—Clean Water State Revolving Fund	CA	City of Paramount for the Spane Park Regional Stormwater Infiltration Facility	2,000,000
STAG—Clean Water State Revolving Fund	CA	City of Redwood City for the Douglas Avenue Pump Station Project	1,200,000
STAG—Clean Water State Revolving Fund	CA	City/County Association of Governments of San Mateo County for a Stormwater Capture Project	2,400,000
STAG—Clean Water State Revolving Fund	CA	Western Municipal Water District for a PFAS Treatment and Prevention Project	3,452,972
STAG—Clean Water State Revolving Fund	CA	City of McFarland Wastewater Treatment Plant Expansion Project	5,000,000
STAG—Clean Water State Revolving Fund	CA	County of San Diego for a Smuggler's Gulch Dredging Project	3,452,972
STAG—Clean Water State Revolving Fund	CNMI	Commonwealth Utilities Corporation for an Engineering Report and Assessment	911,302

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	CO	Town of La Jara for Wastewater Sewer Lagoon Rehab Project	600,000
STAG—Clean Water State Revolving Fund	СО	Town of De Beque for Wastewater Treatment Plant	1,246,000
STAG—Clean Water State Revolving Fund	СО	Town of Wellington for a Water Infrastructure Project	608,000
STAG—Clean Water State Revolving Fund	СТ	Town of Torrington Water Pollution Control Authority for Harris Drive Pump Station Upgrade	1,600,000
STAG—Clean Water State Revolving Fund	СТ	Norwich Public Utilities for Sewer Gravity Pipe Lining Project	800,000
STAG—Clean Water State Revolving Fund	СТ	Town of Monroe for Senior Center Septic Tank Replacement	200,000
STAG—Clean Water State Revolving Fund	СТ	Save the Sound for Designing and Demonstrating Green Infrastructure Alternatives Across Bridgeport	200,000
STAG—Clean Water State Revolving Fund	СТ	Save the Sound for Hamden Town Center Park-Green Stormwater Infrastructure	80,000
STAG—Clean Water State Revolving Fund	CT	City of Bridgeport Water Pollution Control Authority (WPCA) for Design of the West Side Wastewater Treatment Plant Project	3,000,000
STAG—Clean Water State Revolving Fund	СТ	Town of Coventry for the Coventry/Bolton Gateway Sewer Extension Project	1,200,000
STAG—Clean Water State Revolving Fund	СТ	Somers Water Pollution Control Authority for Facility Treatment Improvements	945,000
STAG—Clean Water State Revolving Fund	CT	City of Stamford for the Stamford Bioswales Initiative	1,000,000
STAG—Clean Water State Revolving Fund	СТ	Western Connecticut Council of Governments for a Sanitary Sewer Infrastructure Study	200,000
STAG—Clean Water State Revolving Fund	DE	Partnership for the Delaware Estuary, Inc. for The Mussels for Clean Water Hatchery	1,000,000

STAG Account	State	Project (Recipient Name and Puripose)	Amount (S)
STAG—Clean Water State Revolving Fund	DE	City of Seaford for Wastewater Treatment Plant Headworks Replacement	2,500,000
STAG—Clean Water State Revolving Fund	DE	City of Wilmington for Sewer Interceptor Rehabilitation	3,060,000
STAG—Clean Water State Revolving Fund	DE	City of Wilmington for Sewer-Stormwater Separation	4,000,000
STAG—Clean Water State Revolving Fund	FL	Pinellas County Government Anclote Road Stormwater and Roadway Improvements	2,000,000
STAG—Clean Water State Revolving Fund	FL	Town of Longboat Key Wastewater Main Replacement	3,000,000
STAG—Clean Water State Revolving Fund	FL	Hillsborough County for a Septic to Sewer Project	1,920,000
STAG—Clean Water State Revolving Fund	FL	Pinellas County for a Baypointe Regional Stormwater Treatment Facility Project	3,000,000
STAG—Clean Water State Revolving Fund	FL	City of Treasure Island for a Master Pump Station Project	1,217,000
STAG—Clean Water State Revolving Fund	FL	City of Ocoee for a Utility Upgrade Project	1,408,412
STAG—Clean Water State Revolving Fund	FL	City of Wilton Manors for a Stormwater Improvement Project	1,000,000
STAG—Clean Water State Revolving Fund	FL	City of Hialeah Sewer Line Revitalization	5,000,000
STAG—Clean Water State Revolving Fund	FL	Miami-Dade County Stormwater Drainage Improvement	420,000
STAG—Clean Water State Revolving Fund	FL	City of Marco Island—Clean Waters Marco Island Project	260,000
STAG—Clean Water State Revolving Fund	FL	City of Cape Coral Reclaimed Water Transmission Main, Caloosahatchee River Crossing Project	1,000,000
STAG—Clean Water State Revolving Fund	FL	City of Naples Phase 2 Naples Red Bay Tide Septic Tank Mitigation	5,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	FL	City of Sanibel Slough Dredge and Water Quality Improvement Project	1,000,000
STAG—Clean Water State Revolving Fund	FL	City of Delray Beach for a Water and Wastewater Infrastructure Project	3,452,972
STAG—Clean Water State Revolving Fund	FL	City of Homestead Septic to Sewer Conversion Project	2,000,000
STAG—Clean Water State Revolving Fund	FL	City of Jacksonville for a Septic Tank Phase Out Project	3,452,972
STAG—Clean Water State Revolving Fund	FL	City of Port St. Lucie—St. Lucie River/C—23 Water Quality Project	324,483
STAG—Clean Water State Revolving Fund	FL	City of Sanford for Georgetown Stormwater Improvements	1,086,544
STAG—Clean Water State Revolving Fund	FL	Seminole County for a Washington Street Outfall Stormwater Project	1,304,000
STAG—Clean Water State Revolving Fund	FL	St. Johns County Stormwater Infrastructure Improvement Project	400,000
STAG—Clean Water State Revolving Fund	FL	City of Jacksonville Septic Tank to City Sewer Connection Project	3,300,000
STAG—Clean Water State Revolving Fund	FL	Miami-Dade County Stormwater Local Drainage Improvement Project for SW 216 Street from Old Cutler Drive to SW 87 Avenue	420,000
STAG—Clean Water State Revolving Fund	FL	City of North Port Sewer Vacuum Station Installation Project	2,300,000
STAG—Clean Water State Revolving Fund	FL	Town of Southwest Ranches for a Drainage and Water Quality Project	600,000
STAG—Clean Water State Revolving Fund	FL	Miami-Dade County for a Septic to Sewer Conversion Project—El Portal & Miami Shores	3,452,972
STAG—Clean Water State Revolving Fund	FL	Miami-Dade County for Remediation of 127th Street Canal—Opa Locka	3,452,972

STAG Account	State	Project (Recipient Name and Purpose).	Amount (S)
STAG—Clean Water State Revolving Fund	GA	Clayton County Board of Commissioners for Camp Creek Watershed Flood Reduction Infrastructure	2,688,000
STAG—Clean Water State Revolving Fund	GA	City of Thomson for Stormwater Project	965,000
STAG—Clean Water State Revolving Fund	GA	City of Thomasville for Wastewater Master Plan Phase 1 Implementation	1,200,000
STAG—Clean Water State Revolving Fund	GA	Augusta-Richmond County for Storm Sewer Improvements	4,093,000
STAG—Clean Water State Revolving Fund	GA	County of Chatham for Storm Water and Sea Level Rise Impact Study	500,000
STAG—Clean Water State Revolving Fund	GA	Bulloch County for Wastewater Infrastructure	3,010,000
STAG—Clean Water State Revolving Fund	GA	City of Waynesboro for Sewer Line Improvements and Upgrades	2,000,000
STAG—Clean Water State Revolving Fund	GA	City of Colquitt for a Wastewater Pollution Control Plant Project	1,187,200
STAG—Clean Water State Revolving Fund	GA	City of Leesburg for a Sewage and Clean Water Infrastructure Project	949,146
STAG—Clean Water State Revolving Fund	GA	City of Tybee Island Stormwater Detention System Project	2,600,000
STAG—Clean Water State Revolving Fund	GA	City of Roswell for a Children's Stormwater Garden and Adventure Path Project	3,452,972
STAG—Clean Water State Revolving Fund	GA	Fulton County for the Friendship Pump Station Project	3,452,972
STAG—Clean Water State Revolving Fund	GA	City of College Park for a South East Sewer Wastewater Pump Station Project	2,500,000
STAG—Clean Water State Revolving Fund	GA	City of College Park for Stormwater Upgrades	800,000
STAG—Clean Water State Revolving Fund	HI	City and County of Honolulu for Green Storm Water Infrastructure	679,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S).
STAG—Clean Water State Revolving Fund	НІ	County of Maui for Recycled Wastewater Distribution	600,000
STAG—Clean Water State Revolving Fund	НІ	State of Hawaii for Pearl Harbor Aquifer Recovery Projects	1,720,000
STAG—Clean Water State Revolving Fund	НІ	County of Kaua'i for Sewer Collection Inspection	1,200,000
STAG—Clean Water State Revolving Fund	ΙA	City of Clive for the Greenbelt Landing Project	500,000
STAG—Clean Water State Revolving Fund	IA	City of Pacific Junction for a Green Infrastructure Project	1,000,000
STAG—Clean Water State Revolving Fund	IA	City of Dubuque Granger Creek Lift Station Improvements at Catfish Creek Sanitary Sewer System	1,000,000
STAG—Clean Water State Revolving Fund	ĪΑ	City of Maquoketa Wastewater Treatment Plant Improvements	3,500,000
STAG—Clean Water State Revolving Fund	ID	City of Roberts Clean Water Project	2,000,000
STAG—Clean Water State Revolving Fund	ID	City of Grace Wastewater Collection and Treatment Systems Improvement	2,560,000
STAG—Clean Water State Revolving Fund	IL	Village of Diamond for Watermain Replacement and Repair Lift Stations	601,000
STAG—Clean Water State Revolving Fund	IL	City of Cahokia Heights for Sanitary Sewer Improvements	2,000,000
STAG—Clean Water State Revolving Fund	IL	Village of Cedar Point for Wastewater Treatment Plant Renovation Project	530,000
STAG—Clean Water State Revolving Fund	IL	City of Streator for WWTP Oxidation Ditch and Maintenance Project	1,200,000
STAG—Clean Water State Revolving Fund	IL	Northern Moraine Water Reclamation District for Wastewater Treatment Plant Emergency Power Upgrades	250,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (\$)
STAG—Clean Water State Revolving Fund	IL	Metropolitan Water Reclamation District of Chicago for Forging Resilient Communities Program	3,500,000
STAG—Clean Water State Revolving Fund	IL	City of Peoria for Sewer Extension	600,000
STAG—Clean Water State Revolving Fund	IL	City of Streator for Storm Sewer Installation	400,000
STAG—Clean Water State Revolving Fund	IL	Will County for Updates to Fairmont Water and Sewer System	500,000
STAG—Clean Water State Revolving Fund	IL	City of Mt. Vernon Sanitary Sewer Lining Project	2,411,896
STAG—Clean Water State Revolving Fund	IL	Wheaton Sanitary District for Secondary Clarifier Upgrades	2,655,400
STAG—Clean Water State Revolving Fund	IL	Village of Heyworth Sanitary Sewer Inflow & Infiltration Reduction Project	1,600,000
STAG—Clean Water State Revolving Fund	IL	City of Northlake for a Sanitary Sewer Lining Replacement Project	3,200,000
STAG—Clean Water State Revolving Fund	IL	Village of Hanover Park for a UV Disinfection System Project	600,000
STAG—Clean Water State Revolving Fund	IL	Northern Moraine Wastewater Reclamation District for a Sanitary Sewer Extension Project	2,500,000
STAG—Clean Water State Revolving Fund	KS	City of Garden City for Water Reclamation and Reuse	19,100,000
STAG—Clean Water State Revolving Fund	KS	Wyandotte County for a Kaw Point Wastewater Treatment Plant Project	2,000,000
STAG—Clean Water State Revolving Fund	KY	Georgetown Municipal Water and Sewer Service (GMWSS) WWTP1 Upgrade & Expansion	5,000,000
STAG—Clean Water State Revolving Fund	KY	Montgomery County Sanitation District Improvements	3,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	KY	City of Bardstown—Bardstown Town Creek Wastewater Treatment Plant Reactor & Clarifier Upgrade	2,000,000
STAG—Clean Water State Revolving Fund	KY	Springfield Water & Sewer Commission—Springfield City Barn Pump Station Replacement	1,399,000
STAG—Clean Water State Revolving Fund	KY	Louisville and Jefferson County Metropolitan Sewer District for a Neighborhood Drainage Project	1,000,000
STAG—Clean Water State Revolving Fund	KY	Louisville and Jefferson County Metropolitan Sewer District for Odor Control Improvements	500,000
STAG—Clean Water State Revolving Fund	LA	City of Gonzalez for Wastewater Treatment Upgrades	1,000,000
STAG—Clean Water State Revolving Fund	LA	Lafayette Consolidated Government Sewer Lift Station and Force Main—Downtown Lafayette and University Avenue Project	5,000,000
STAG—Clean Water State Revolving Fund	LA	City of Monroe Calypso Street Pump Station Project	4,000,000
STAG—Clean Water State Revolving Fund	MA	City of Holyoke for River Terrace Area 21 CSO Elimination Project—Phase A	2,000,000
STAG—Clean Water State Revolving Fund	MA	Town of Agawam for North Street (White Brook) Culvert Replacement Project	1,280,000
STAG—Clean Water State Revolving Fund	MA	Town of Medway for Restoring Green Infrastructure for Healthy Rivers and Climate Resilience	1,300,000
STAG—Clean Water State Revolving Fund	MA	City of Melrose for Ell Pond Park Stormwater Management and Resiliency Project	1,000,000
STAG—Clean Water State Revolving Fund	MA	Town of Foxborough for a Sewer Design Route 1 Project	400,000
STAG—Clean Water State Revolving Fund	MA	City of Watertown for a Stormwater Tree Trench Project	240,000
STAG—Clean Water State Revolving Fund	MA	City of Framingham for the Lake Waushakum Clean Water Project	1,700,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (\$)
STAG—Clean Water State Revolving Fund	MA	Martha's Vineyard Airport Commission for Wastewater Treatment Facility (WWTF) Upgrades	1,000,000
STAG—Clean Water State Revolving Fund	MA	City of Brockton for the Biosolids Sludge Dryer Project	2,000,000
STAG—Clean Water State Revolving Fund	MA	Town of Northborough for Water System Upgrades	491,000
STAG—Clean Water State Revolving Fund	MA	Town of North Reading for Wastewater Collection and Conveyance System Final Design	1,500,000
STAG—Clean Water State Revolving Fund	MA	City of Gloucester for a Water Pollution Control Facility Project	2,000,000
STAG—Clean Water State Revolving Fund	MA	Town of Reading for Maillet Sommes and Morgan Stormwater Wetlands	2,000,000
STAG—Clean Water State Revolving Fund	MA	City of Chicopee for a Water Pollution Control Facility	2,854,800
STAG—Clean Water State Revolving Fund	MD	Town of Grantsville for Wastewater Treatment Plant Upgrade	1,000,000
STAG—Clean Water State Revolving Fund	MD	Prince George's County for Restoration of Lower Beaverdam Creek	500,000
STAG—Clean Water State Revolving Fund	MD	Talbot County for Sewer Extension Project and Royal Oak Pump Station Replacement	911,000
STAG—Clean Water State Revolving Fund	MD	Somerset County for the Smith Island Clean Water Project	2,250,000
STAG—Clean Water State Revolving Fund	MD	Town of Centreville for Water/Wastewater Infrastructure Renovation and Upgrade	2,155,000
STAG—Clean Water State Revolving Fund	MD	City of Brunswick for Wastewater and Drinking Water Treatment Plant Upgrades	550,000
STAG—Clean Water State Revolving Fund	MD	City of Baltimore for Egg Shaped Digesters Rehabilitation	3,452,972
STAG—Clean Water State Revolving Fund	ME	Town of Dover-Foxcroft for Dover-Foxcroft Wastewater Treatment Facility Improvements	1,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (\$)
STAG—Clean Water State Revolving Fund	ME	Greater Augusta Utility District for Sewer Pump Station Consolidation	2,000,000
STAG—Clean Water State Revolving Fund	ME	Town of Mattawamkeag for Mattawamkeag Lagoon Sludge Dredging	520,000
STAG—Clean Water State Revolving Fund	ME	City of Calais for Calais North Street Sewer Remediation Project	500,000
STAG—Clean Water State Revolving Fund	ME	Mapleton Sewer District for West Chapman Road Sanitary Sewer Replacement	783,000
STAG—Clean Water State Revolving Fund	ME	Eagle Lake Water and Sewer District for Eagle Lake Wastewater Treatment & Pumping Stations Upgrade	1,000,000
STAG—Clean Water State Revolving Fund	ME	Town of Grand Isle for Water and Wastewater Treatment Plant and Pump Station Upgrades and Sludge Drying Bed	1,296,000
STAG—Clean Water State Revolving Fund	ME	Winthrop Utilities District for Winthrop Pump Stations Upgrade	1,896,000
STAG—Clean Water State Revolving Fund	ME	York Sewer District for Route 1 Corridor Sewer Extension	1,500,000
STAG—Clean Water State Revolving Fund	ME	Town of Hampden for Souadabscook Pump Station Replacement	2,000,000
STAG—Clean Water State Revolving Fund	ME	Town of Windham for North Windham Wastewater Treatment Facility	2,000,000
STAG—Clean Water State Revolving Fund	ME	Solon Water District for Solon Water Main Replacement	340,000
STAG—Clean Water State Revolving Fund	ME	Town of Gorham for Feasibility Study for Sewer and Water Distribution System	240,000
STAG—Clean Water State Revolving Fund	ME	Town of Bar Harbor for Up Island Water Tank Storage	1,439,000
STAG—Clean Water State Revolving Fund	ME	City of Saco for Electrical Phase of the Saco Water Resource Resiliency Project	1,574,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	ME	Town of Dixfield for a Hall Hill Road Pump Station Project	514,400
STAG—Clean Water State Revolving Fund	ME	City of Ellsworth for a High Street Pump Station	1,774,075
STAG—Clean Water State Revolving Fund	ME	Loring Development Authority for a Sewer Replacement and Infiltration/Inflow Removal Project	1,000,000
STAG—Clean Water State Revolving Fund	ME	Town of Blue Hill for a Wastewater Treatment Facility	1,000,000
STAG—Clean Water State Revolving Fund	ME	City of Saco for a Water Resource Resiliency Project	3,452,978
STAG—Clean Water State Revolving Fund	МІ	Oscoda Charter Township for Water Distribution System for Potable Water	3,000,000
STAG—Clean Water State Revolving Fund	MI	Marquette County for KI Sawyer Clean and Safe Water Initiative	1,500,000
STAG—Clean Water State Revolving Fund	MI	Evergreen Farmington Sanitary Drain Drainage District for Pump Station Improvement Project	4,000,000
STAG—Clean Water State Revolving Fund	MI	City of Bay City for Update to Storm Sewer System— Banks Area	800,000
STAG—Clean Water State Revolving Fund	MI	Township of Grosse Ile for Upgrades to the Wastewater Treatment Plant	3,452,972
STAG—Clean Water State Revolving Fund	MI	Great Lakes Water Authority for a PFAS Compounds Remediation Project	3,452,972
STAG—Clean Water State Revolving Fund	MI	West Bloomfield Parks and Recreation Commission for a Pond Remediation Project	320,000
STAG—Clean Water State Revolving Fund	MI	Macomb County for Lake St. Clair Trash Capture Project	1,600,000
STAG—Clean Water State Revolving Fund	MI	Port Huron Township Maywood Sanitary Sewer Pump Station Rehabilitation	1,450,000
STAG—Clean Water State Revolving Fund	MI	Charter Township of Chesterfield Maurice DeMuynck Anchor Bay Pump Station Repair	4,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	MI	City of Grand Rapids Water Resource Recovery Facility Groundwater Treatment Project	1,700,000
STAG—Clean Water State Revolving Fund	MI	City of Midland Sylvan Pump Station Detention Basin Project	1,000,000
STAG—Clean Water State Revolving Fund	MI	Northwestern Oakland Drainage District for a Sanitary Sewer Extension Project	1,000,000
STAG—Clean Water State Revolving Fund	MI	City of Birmingham for a Combined Sewer System Critical Rehabilitation Program	1,300,000
STAG—Clean Water State Revolving Fund	MI	City of Northville for the Randolph Drain Screnity Point and Riverbank Stabilization Project	560,000
STAG—Clean Water State Revolving Fund	MI	Village of North Adams Lagoon Repair and Compliance	750,000
STAG—Clean Water State Revolving Fund	MI	Berlin Charter Township for a Waste Water Discharge Line Project	3,040,000
STAG—Clean Water State Revolving Fund	MN	City of Brooten for Water Service Expansion	2,500,000
STAG—Clean Water State Revolving Fund	MN	Shakopee Mdewakanton Sioux Community for Recycling Facility Project	2,500,000
STAG—Clean Water State Revolving Fund	MN	City of Birchwood Village for a Sewer Lift Station Replacement Project	480,000
STAG—Clean Water State Revolving Fund	MN	Shorewood Park Sanitary District for the community sewer expansion project	1,900,000
STAG—Clean Water State Revolving Fund	MN	Northern Township for the Sewer and Water Infrastructure Project to install water and sanitary sewer extensions	5,000,000
STAG—Clean Water State Revolving Fund	МО	Saline County for Interstate 70 and Highway 65 Interchange Improvements	2,000,000
STAG—Clean Water State Revolving Fund	МО	Village of Pollock for Sewer Collection System	5,061,000

STAG Account	State	Project, (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	МО	City of St. Joseph Mainline Sewer Lining Project	4,000,000
STAG—Clean Water State Revolving Fund	МО	City of Camden for the Point Sewer Project	3,361,707
STAG—Clean Water State Revolving Fund	МО	City of Willard Water Systems Treatment Upgrade	2,978,320
STAG—Clean Water State Revolving Fund	MS	Town of Crawford for Water and Wastewater Infrastructure	3,000,000
STAG—Clean Water State Revolving Fund	MS	City of Jackson for Savanna Wastewater Treatment Plant Phase 1B Improvements	4,800,000
STAG—Clean Water State Revolving Fund	MS	City of West Point for Water and Wastewater Infrastructure	2,500,000
STAG—Clean Water State Revolving Fund	MS	Town of Sardis for Wastewater System Improvements	2,500,000
STAG—Clean Water State Revolving Fund	MS	City of Pearl—North Pearl Interceptor Rehabilitation	3,500,000
STAG—Clean Water State Revolving Fund	MS	Town of Pelahatchie Wastewater Treatment Facility Upgrade and Sewer Rehab/Replacement	3,500,000
STAG—Clean Water State Revolving Fund	MS	City of Clinton for Regional Wastewater Project	3,200,000
STAG—Clean Water State Revolving Fund	NC	Brunswick County for Northwest Water Treatment Plant to Bell Swamp Transmission Project	2,105,000
STAG—Clean Water State Revolving Fund	NC	Warren County for the Pleasant Hills Wastewater Pump Station Replacement	838,000
STAG—Clean Water State Revolving Fund	NC	City of Wilson for Sewer Collection System Improvements	3,452,972
STAG—Clean Water State Revolving Fund	NC	City of Winston-Salem for Runnymede Water Infrastructure Improvements	2,800,000
STAG—Clean Water State Revolving Fund	NC	Town of Kernersville for Beeson Creek Stream Restoration	2,420,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	NC	Town of Holly Springs for a Water Reclamation Project	3,000,000
STAG—Clean Water State Revolving Fund	NC	Town of Holden Beach Greensboro Street List Station #2 Hazard Mitigation Upgrade	2,669,867
STAG—Clean Water State Revolving Fund	NH	Belknap County Conservation District for Reservoir Road Culvert Replacement Stormwater Project	150,000
STAG—Clean Water State Revolving Fund	NH	Town of Bristol for Pump Station and Force Main	1,050,000
STAG—Clean Water State Revolving Fund	NH	Town of Durham for Bennet Road Stormwater and Flood Resiliency Project	2,040,000
STAG—Clean Water State Revolving Fund	NH	Southern District YMCA for Erosion Mitigation at Kingston Lake (Great Pond) Protection	75,000
STAG—Clean Water State Revolving Fund	NH	Town of Winchester for Wastewater Biosolids	1,900,000
STAG—Clean Water State Revolving Fund	NH	City of Dover for Stormwater Management	800,000
STAG—Clean Water State Revolving Fund	NH	Lake Winnipesaukee Association for Comprehensive Protection Initiative	500,000
STAG—Clean Water State Revolving Fund	NH	Town of Gorham for a Water and Sewage Infrastructure Project	220,000
STAG—Clean Water State Revolving Fund	NH	Town of Derry for the Route 28S Sewer Line Extension Project	3,200,000
STAG—Clean Water State Revolving Fund	NJ	Borough of Woodland for Park Rifle Camp Road Sewer Line Project	709,000
STAG—Clean Water State Revolving Fund	NJ	Town of Guttenberg for Galaxy CSO Chamber Elimination Project	394,000
STAG—Clean Water State Revolving Fund	NJ	Borough of Fort Lee for Sewer Pump Station Upgrades	600,000
STAG—Clean Water State Revolving Fund	NJ	Borough of Prospect for Park Main Sewer Line Repair Project	442,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	NJ	Borough of Cliffside Park for Oakdene Avenue Stormwater Improvements Project	1,000,000
STAG—Clean Water State Revolving Fund	NJ	City of Rahway for Lead Service Line Replacement Project	1,000,000
STAG—Clean Water State Revolving Fund	NJ	Vernon Township for a Sewer Expansion Project	3,452,972
STAG—Clean Water State Revolving Fund	NJ	City of Hackensack for a Storm Water Discharge Project	3,452,972
STAG—Clean Water State Revolving Fund	NJ	Township of Teaneck for Belle Avenue Drainage Improvements	1,060,780
STAG—Clean Water State Revolving Fund	NJ	Township of Bedminster for a Miller Lane Pump Station Project	1,176,000
STAG—Clean Water State Revolving Fund	NJ	Town of Phillipsburg for Sanitary Sewer System Rehabilitation	3,360,000
STAG—Clean Water State Revolving Fund	NJ	Borough of Rutherford for a Stormwater Management Project	750,000
STAG—Clean Water State Revolving Fund	NJ	Borough of Edgewater for Pump Station No.4 Project	1,000,000
STAG—Clean Water State Revolving Fund	NJ	County of Essex for an Urban Rooftop Farming Stormwater Management System	2,823,150
STAG—Clean Water State Revolving Fund	NJ	Town of Parsippany-Troy Hills for the Pump Station No. 4 Sanitary Sewer Redirection Project	3,452,972
STAG—Clean Water State Revolving Fund	NJ	Township of North Bergen for a Drainage Improvement Project	3,452,972
STAG—Clean Water State Revolving Fund	NM	El Valle de Los Ranchos Water & Sanitation District for a Sewer Main	1,860,000
STAG—Clean Water State Revolving Fund	NM	Village of Maxwell for Wastewater Treatment Upgrades	1,900,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	NM	East Pecos Mutual Domestic Water Consumer's Association for Connecting Additional Homes to Sewer Lines and Centralized Treatment	3,000,000
STAG—Clean Water State Revolving Fund	NM	Town of Edgewood for Water Quality Improvement Facility	900,000
STAG—Clean Water State Revolving Fund	NM	City of Las Vegas Sewer Rehabilitation Project	1,152,000
STAG—Clean Water State Revolving Fund	NM	Santo Domingo Pueblo for a Wastewater Distribution System	1,500,000
STAG—Clean Water State Revolving Fund	NM	Santa Clara Pueblo for a Water Treatment and Wastewater Facility Design	640,000
STAG—Clean Water State Revolving Fund	NM	Town of Mountainair for Wastewater Treatment Facility Improvements	3,000,000
STAG—Clean Water State Revolving Fund	NV	Churchill County for Water Storage Tank	3,000,000
STAG—Clean Water State Revolving Fund	NV	Clark County Water Reclamation District for Logandale Sewer Collection Extension	2,000,000
STAG—Clean Water State Revolving Fund	NV	Incline Village General Improvement District for Effluent Export Pipeline	1,600,000
STAG—Clean Water State Revolving Fund	NV	City of Sparks for Truckee Meadows Water Reclamation Facility Disinfection Upgrades	800,000
STAG—Clean Water State Revolving Fund	NV	City of Reno Booth Street Sewer Siphon	1,500,000
STAG—Clean Water State Revolving Fund	NV	City of Fallon Wastewater Treatment Plant Dewatering Press	4,369,600
STAG—Clean Water State Revolving Fund	NV	Southern Nevada Water Authority for a Septic Conversion Program	3,000,000
STAG—Clean Water State Revolving Fund	NV	Clark County for a Water Infrastructure Project	2,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	NY	Town of Webb for Wastewater Treatment Facility Infrastructure Improvements	1,000,000
STAG—Clean Water State Revolving Fund	NY	Save the Sound for Hutchinson River Watershed Plan	700,000
STAG—Clean Water State Revolving Fund	NY	Monroe County for Genesee Valley Pump Station	1,000,000
STAG—Clean Water State Revolving Fund	NY	Chemung County for Sewer District WWTP Consolidation	1,000,000
STAG—Clean Water State Revolving Fund	NY	Town of Poughkeepsie for Hudson Heritage Sewer System	1,000,000
STAG—Clean Water State Revolving Fund	NY	Suffolk County Oakdale Sewer Expansion Project	5,000,000
STAG—Clean Water State Revolving Fund	NY	Town of Concord Combined Wastewater Treatment Plant Project	2,000,000
STAG—Clean Water State Revolving Fund	NY	Village of New Square for a Drainage and Flood Mitigation Improvement Project	2,400,000
STAG—Clean Water State Revolving Fund	NY	Town of Owasco Sanitary Sewer System Improvement Project	2,500,000
STAG—Clean Water State Revolving Fund	NY	Town of Cornwall for the Hasbrouck Area Drainage Project	1,650,000
STAG—Clean Water State Revolving Fund	NY	County of Putnam for the Southeast Sewer Diversion Project	2,125,000
STAG—Clean Water State Revolving Fund	NY	Village of Dolgeville Main Street Sanitary Sewer Rehabilitation Project	2,640,000
STAG—Clean Water State Revolving Fund	NY	Village of Greenwich Waste Water Treatment Plant Reconstruction	4,400,000
STAG—Clean Water State Revolving Fund	NY	Village of Dolgeville Fink Creek Flood Mitigation Project	5,000,000
STAG—Clean Water State Revolving Fund	NY	Village of Canastota—South Canal, Commerce, and State Street Sewer Separation Project	1,507,605

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	NY	Tioga County Soil and Water Conservation District— Upper Susquehanna River Watershed Resilience Project	1,580,628
STAG—Clean Water State Revolving Fund	NY	Village of Oneida for the Oneida Castle Sanitary Sewer Collection System Project	4,152,000
STAG—Clean Water State Revolving Fund	NY	Village of Marathon Waste Water Treatment Plant and Pump Station Rehabilitation	3,480,960
STAG—Clean Water State Revolving Fund	NY	Town of Brookhaven—Mastic/Mastic Beach/Forge River Sewer District Project	4,250,000
STAG—Clean Water State Revolving Fund	NY	Suffolk County Smithtown Business District Sewer Extension Project	3,000,000
STAG—Clean Water State Revolving Fund	NY	Suffolk County North Bellport Sewers Project	3,260,000
STAG—Clean Water State Revolving Fund	NY	Town of Southampton Riverside Sewer System Project	5,000,000
STAG—Clean Water State Revolving Fund	NY	Village of Southampton Lake Agawam Algae Harvesting Project	5,000,000
STAG—Clean Water State Revolving Fund	ОН	Cuyahoga County for the MLK Boulevard Sewer Project	1,000,000
STAG—Clean Water State Revolving Fund	ОН	City of Shaker Heights for the Lomond/ Lynnfield Sanitary Sewer Overflow (SSO) Project	1,600,000
STAG—Clean Water State Revolving Fund	ОН	Northeast Ohio Regional Sewer District for a CSO Elimination Project in Garfield Heights	2,000,000
STAG—Clean Water State Revolving Fund	ОН	City of Wilmington New Wastewater Treatment Plant Project	400,000
STAG—Clean Water State Revolving Fund	ОН	Village of Plain City Wastewater Treatment Plant Expansion Project	1,500,000
STAG—Clean Water State Revolving Fund	ОН	Madison County Board of County Commissioners Summerford Sanitary Sewer Project	765,000
STAG—Clean Water State Revolving Fund	ОН	City of Forest Park West Kemper Road Storm Water Improvement Project	1,209,900

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	ОН	City of New Franklin for the Vanderhoof Road Pump Station East Project	3,000,000
STAG—Clean Water State Revolving Fund	ОН	City of Brunswick Healey Creek Storm Water Management Project	1,500,000
STAG—Clean Water State Revolving Fund	ОН	Northeast Ohio Regional Sewer District Smith Road Storm Water Project	2,724,800
STAG—Clean Water State Revolving Fund	ОН	Village of Scio Sanitary Sewer Extension	500,000
STAG—Clean Water State Revolving Fund	ОН	Belmont County Water and Sewer District Sanitary Sewer Project	800,000
STAG—Clean Water State Revolving Fund	ОН	City of Kirtland Old Town Sewer Project	820,890
STAG—Clean Water State Revolving Fund	ОН	City of Willoughby Chagrin Floodplain Restoration and Protection Project	2,323,000
STAG—Clean Water State Revolving Fund	ОН	Board of Lucas County Commissioners for Unsewered Areas of Curtice-Williston	2,532,832
STAG—Clean Water State Revolving Fund	ОН	City of Port Clinton for Phase 1 Sewer & Waterline Improvements	3,452,972
STAG—Clean Water State Revolving Fund	ОН	City of Dayton Wolf Creek Sanitary Liners Installation Project	3,360,000
STAG—Clean Water State Revolving Fund	ОН	Adams County Commissioners Alexander Salamon Airport Sewer Extension	2,845,552
STAG—Clean Water State Revolving Fund	ОН	Ross County Board of Commissioners Union Heights Wastewater Infrastructure Improvements	4,000,000
STAG—Clean Water State Revolving Fund	OK	City of Hinton for Improvements to Wastewater Lagoon System	289,000
STAG—Clean Water State Revolving Fund	OK	Town of Canadian for Wastewater System Improvements	1,599,000
STAG—Clean Water State Revolving Fund	OK	City of Porter for New Disinfection Facility	1,320,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	ОК	City of Perkins for Sewer Line Replacement	320,000
STAG—Clean Water State Revolving Fund	ОК	Town of Corn for Rehabilitation of Wastewater Lagoons	640,000
STAG—Clean Water State Revolving Fund	OK	City of Barnsdall for Replacement of Waxhoma Dam Spillway	1,600,000
STAG—Clean Water State Revolving Fund	OK	City of Wewoka for Dam Rehabilitation	68,000
STAG—Clean Water State Revolving Fund	ОК	City of Ponca City for Rehabilitation of Major Interceptor	1,500,000
STAG—Clean Water State Revolving Fund	OK	City of Ada Wastewater Treatment Plant and Water Reuse	400,000
STAG—Clean Water State Revolving Fund	OK	City of Midwest City S.E. 15th Street Drainage Project	3,200,000
STAG—Clean Water State Revolving Fund	OR	Talent Irrigation District for Billings Siphon and Eastside Canal Project	5,000,000
STAG—Clean Water State Revolving Fund	OR	Owyhee Irrigation District for Kingman Lateral Pipeline	3,000,000
STAG—Clean Water State Revolving Fund	OR	Ochoco Irrigation District for McKay Creek Infrastructure Improvement	2,500,000
STAG—Clean Water State Revolving Fund	OR	City of Carlton for Sewer Collection Pipe Replacement	2,200,000
STAG—Clean Water State Revolving Fund	OR	Clackamas County for a Watershed Protection Project and Wastewater Facility Decommission	2,000,000
STAG—Clean Water State Revolving Fund	OR	City of Aumsville for a Waste Water Treatment Plant Project	1,252,950
STAG—Clean Water State Revolving Fund	PA	Wyoming County for Sewage Pollution Prevention	325,000
STAG—Clean Water State Revolving Fund	PA	Freeport Borough for Long-Term Control Plan Implementation and Improvements	1,500,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	PA	City of Lancaster for Combined Sewer Separation	500,000
STAG—Clean Water State Revolving Fund	PA	Lower Ten Mile Joint Sewer Authority for Chartiers Road Sewer Extension	500,000
STAG—Clean Water State Revolving Fund	PA	Wyoming Valley Sanitary Authority for Restoration, Retrofits, and Acquisition Projects	3,452,972
STAG—Clean Water State Revolving Fund	PA	Milford Borough for a Central Sewage and Stormwater Project	3,452,972
STAG—Clean Water State Revolving Fund	PA	Whitpain Township for the Ambler Alley Storm Sewer Project	220,416
STAG—Clean Water State Revolving Fund	PA	Allegheny County Sanitary Authority for an Effluent Flushing Water Improvements Project	3,234,170
STAG—Clean Water State Revolving Fund	PA	City of Coatesville for the Ash Park Master Plan Implementation Phase I	1,000,000
STAG—Clean Water State Revolving Fund	PA	Cumberland Township/Cumberland Twp. Authority Greenmount Area Sewer Service Engineering Project	1,120,000
STAG—Clean Water State Revolving Fund	PA	Mercersburg Water Authority Water System Improvement Project	2,000,000
STAG—Clean Water State Revolving Fund	PA	Cranberry Township Brush Creek Water Pollution Control Facility Plant Solids Processing and Dewatering Upgrades	5,000,000
STAG—Clean Water State Revolving Fund	PA	Crafton Borough for the Broadhead Avenue Sewer Separation Project	991,758
STAG—Clean Water State Revolving Fund	PA	Bellevue Borough for Straw Avenue Sanitary Sewer Improvements	720,000
STAG—Clean Water State Revolving Fund	PA	Scott Township for a Sanitary Sewer Repair Project	999,999
STAG—Clean Water State Revolving Fund	PA	Mount Pleasant Township Municipal Authority— Hickory, Southview and Westland Sanitary Sewer Project	3,500,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	RI	City of Warwick for Oakland Beach Pump Station Replacement	2,400,000
STAG—Clean Water State Revolving Fund	RI	City of Pawtucket for Citywide Sewer CCTV and Cleaning	3,164,000
STAG—Clean Water State Revolving Fund	RI	City of Warwick for Oakland Beach Force Main Rehabilitation and Lining	1,440,000
STAG—Clean Water State Revolving Fund	RI	City of Warwick for Apponaug Pump Station Upgrades	536,000
STAG—Clean Water State Revolving Fund	RI	Town of Smithfield for a Water and Sewer Project	840,000
STAG—Clean Water State Revolving Fund	RI	Town of Cumberland for a Returning Stormwater Runoff Project	1,200,000
STAG—Clean Water State Revolving Fund	RI	Town of Bristol for the Sewer Rehabilitation Area 2 and 3 Project	1,248,000
STAG—Clean Water State Revolving Fund	SC	MetroConnects for Union Bleachery Mill Village Sewer Replacement Project	4,000,000
STAG—Clean Water State Revolving Fund	SC	City of Beaufort for Bayard Street Drainage Improvement and Stormwater Project	800,000
STAG—Clean Water State Revolving Fund	SC	Pickens Regional Joint Water System for a water treatment plant	4,000,000
STAG—Clean Water State Revolving Fund	SC	Aiken County for Horse Creek Waste Water Treatment Plant	5,000,000
STAG—Clean Water State Revolving Fund	SC	Pee Dee Council of Governments for Water Treatment Plant-1 Service Road	423,000
STAG—Clean Water State Revolving Fund	SC	City of Pendleton for Pendleton-Clemson Wastewater Treatment Plant	5,300,000
STAG—Clean Water State Revolving Fund	TN	City of Luttrell Wastewater Treatment Plant	2,522,800
STAG—Clean Water State Revolving Fund	TN	City Of Maynardville Wastewater System Improvements	1,600,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	TX	Village of Salado Stormwater Improvement Project	1,500,000
STAG—Clean Water State Revolving Fund	TX	City of Temple Sanitary Overflow Reduction Project	5,000,000
STAG—Clean Water State Revolving Fund	TX	Montgomery County Municipal Utility District Number 84 Bentwood Drainage Channel Improvement Phase I Project	2,999,568
STAG—Clean Water State Revolving Fund	TX	Harris County Flood Control District Woodridge Stormwater Detention Basin	5,000,000
STAG—Clean Water State Revolving Fund	TX	Harris County Flood Control District Q534 Stormwater Detention Basin	5,000,000
STAG—Clean Water State Revolving Fund	TX	Harris County Municipal Utility District 468 Stormwater Detention Basin	2,000,000
STAG—Clean Water State Revolving Fund	TX	City of Kyle for the Reclaimed Water Master Plan Project	2,000,000
STAG—Clean Water State Revolving Fund	TX	City of Bellaire for a Water and Wastewater Line Replacement Project	2,400,000
STAG—Clean Water State Revolving Fund	TX	El Paso County Planning & Development Department Sandhills Wastewater Collection System Project	2,500,000
STAG—Clean Water State Revolving Fund	TX	City of San Juan for a Lift Station Rehabilitation Project	3,452,972
STAG—Clean Water State Revolving Fund	TX	City of Mercedes for an Expansion of Sanitary Sewer Collection System Project	1,549,044
STAG—Clean Water State Revolving Fund	TX	City of Waco Bull Hide Regional Reclamation Plant Project	3,000,000
STAG—Clean Water State Revolving Fund	UT	City of Orem Wasatch Front Water Conservation Effort	3,000,000
STAG—Clean Water State Revolving Fund	UT	Logan City for the Biodigester Project	5,000,000

	State	Project	Amount(S)
STAG Account		(Recipient Name and Purpose)	
STAG—Clean Water State Revolving Fund	UT	Millville City Sewer Project	3,500,000
STAG—Clean Water State Revolving Fund	UT	Summit County Weber River Watershed Resilience Partnership Project	1,000,000
STAG—Clean Water State Revolving Fund	VA	City of Harrisonburg for Western Raw Water Line Project Phase 3	1,000,000
STAG—Clean Water State Revolving Fund	VA	Town of South Boston for Storm Sewer Improvements	2,000,000
STAG—Clean Water State Revolving Fund	VA	Amherst County Service Authority for James River Bank Stabilization	2,000,000
STAG—Clean Water State Revolving Fund	VA	City of Norfolk for Ballentine Place Water and Sewer Replacement	1,600,000
STAG—Clean Water State Revolving Fund	VA	Town of Haymarket for Stormwater Assessment	160,000
STAG—Clean Water State Revolving Fund	VT	Lake Iroquois Association for Beebe Lane Stormwater Improvements	320,000
STAG—Clean Water State Revolving Fund	VT	Town of Whitingham for Sewer Infrastructure Upgrades	1,000,000
STAG—Clean Water State Revolving Fund	VT	Town of Chelsea for a Pump Station Project	600,000
STAG—Clean Water State Revolving Fund	WA	City of Lake Stevens for Lake Stevens Outlet Restoration	500,000
STAG—Clean Water State Revolving Fund	WA	City of Long Beach for Lift Station Replacements	1,670,000
STAG—Clean Water State Revolving Fund	WA	Town of Malden for Replacement Municipal Sewer System	1,911,000
STAG—Clean Water State Revolving Fund	WA	City of Sultan for a Water Treatment Plant Project	1,000,000
STAG—Clean Water State Revolving Fund	WA	City of Washougal Wastewater Treatment Plant Anoxic Selector Project	1,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	WA	City of Port Townsend for a Sewer Pump Station Project	2,500,000
STAG—Clean Water State Revolving Fund	WA	Jefferson County for a Port Hadlock Sewer Project	3,000,000
STAG—Clean Water State Revolving Fund	WA	City of Oak Harbor for an Inflow and Infiltration (I&I) Correction Program	1,950,000
STAG—Clean Water State Revolving Fund	WA	Mountains to Sound Greenway Trust for a Creek Restoration Project	1,023,632
STAG—Clean Water State Revolving Fund	WA	Town of Steilacoom for a Garrison Springs Creek Restoration Project	1,500,000
STAG—Clean Water State Revolving Fund	wı	City of Viroqua for a Sewer Project	1,223,400
STAG—Clean Water State Revolving Fund	WI	City of Sun Prairie for a Water Pollution Control Facility Solar Radiation Project	3,200,000
STAG—Clean Water State Revolving Fund	wv	Mason County Public Service District for Apple Grove Sewer Collection System Project	1,000,000
STAG—Clean Water State Revolving Fund	WV	Elk Valley Public Service District for Elk River Embankment Stabilization and Sanitary Sewer Relocations Project	3,887,000
STAG—Clean Water State Revolving Fund	WV	Raleigh County for Raleigh County Piney View— Batoff Mountain Waterline Extension	1,000,000
STAG—Clean Water State Revolving Fund	WV	Barboursville for Wastewater System Upgrade & Lagoon Decommissioning	5,000,000
STAG—Clean Water State Revolving Fund	WV	Spencer for Municipal Wastewater System Inflow & Infiltration Reduction Project	1,652,000
STAG—Clean Water State Revolving Fund	wv	Ansted for Wastewater Treatment Plant Upgrade	4,400,000
STAG—Clean Water State Revolving Fund	wv	Town of Romney for Sewer System Improvements Project	400,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Clean Water State Revolving Fund	WV	McMechen for Wastewater Treatment Plant	300,000
STAG—Clean Water State Revolving Fund	wv	Greater Harrison County PSD River Crossing Replacement	500,000
STAG—Clean Water State Revolving Fund	WV	Town of Davis Sewer Collection System Improvements	5,000,000
STAG—Clean Water State Revolving Fund	wv	Shady Spring Public Service District—Glen Morgan Wastewater Treatment Plant Upgrade	2,000,000
Community Project	s Funded	with Drinking Water SOF Appropriations (alphabetical	by state)
STAG—Drinking Water State Revolving Fund	AK	City of Whittier for Well Field Upgrades	1,230,000
STAG—Drinking Water State Revolving Fund	AK	Chickaloon Village Traditional Council for Community Well in Chickaloon	250,000
STAG—Drinking Water State Revolving Fund	AK	City and Borough of Yakutat for Waterline Extension Project	5,082,000
STAG—Drinking Water State Revolving Fund	AK	City of Nome for Potable Water Distribution and Wastewater Collection Systems	1,600,000
STAG—Drinking Water State Revolving Fund	AL	Town of Garden City Water System Improvements	520,000
STAG—Drinking Water State Revolving Fund	AL	Mobile County Water, Sewer, and Fire Protection Authority Water Well Project	1,280,000
STAG—Drinking Water State Revolving Fund	AR	Fulton Waterworks for City of Fulton Water System Delivery	3,050,000
STAG—Drinking Water State Revolving Fund	AR	Central Arkansas Water for West Pulaski County Water Delivery	12,000,000
STAG—Drinking Water State Revolving Fund	AZ	Bullhead City for New Drinking Water Well Construction Project	2,000,000
STAG—Drinking Water State Revolving Fund	AZ	Town of Carefree for Silver Saddle Pressure Zone Waterline Improvement Project	800,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	AZ	City of Page for Water Treatment Plant Expansion Project	456,000
STAG—Drinking Water State Revolving Fund	AZ	City of Douglas for a Supervisory Control and Data Acquisition System	833,285
STAG—Drinking Water State Revolving Fund	AZ	Town of Kearny for a Water Infrastructure Project	3,000,000
STAG—Drinking Water State Revolving Fund	AZ	Hopi Tribe for a Water Infrastructure Improvement Project	1,500,000
STAG—Drinking Water State Revolving Fund	AZ	Maricopa-Stanfield Irrigation and Drainage District for the Santa Rosa Canal Project	2,846,076
STAG—Drinking Water State Revolving Fund	AZ	City of Page for New Intake Pipes from Lake Powell	3,432,000
STAG—Drinking Water State Revolving Fund	CA	East Palo Alto for East Palo Alto Water Infrastructure Improvements	800,000
STAG—Drinking Water State Revolving Fund	CA	County of Tulare for Drinking Water Kiosks	200,000
STAG—Drinking Water State Revolving Fund	CA	Woodville Public Utility District for Woodville PUD Well No. 4 Replacement	1,150,000
STAG—Drinking Water State Revolving Fund	CA	City of Modesto for Grayson Well and Tank Replacement	1,750,000
STAG—Drinking Water State Revolving Fund	CA	Allensworth Community Services District for Allensworth Well Solar Array	150,000
STAG—Drinking Water State Revolving Fund	CA	City of Tulare for Water Delivery System	500,000
STAG—Drinking Water State Revolving Fund	CA	City of Dinuba for Well 21 Construction	1,500,000
STAG—Drinking Water State Revolving Fund	CA	Carmichael Water District for Aquifer Storage and Recharge Well #2	2,500,000
STAG—Drinking Water State Revolving Fund	CA	Citrus Heights Water District for the Highland Avenue Well Project	1,500,000

STAG Account	State	Project (Recipient Name and Purpose)	Agnount (S)
STAG—Drinking Water State Revolving Fund	CA	Sacramento County for a Regional Conjunctive Use Project	2,800,000
STAG—Drinking Water State Revolving Fund	CA	City of Oxnard for a Water Pipeline Replacement	2,846,400
STAG—Drinking Water State Revolving Fund	CA	Cachuma Operation and Maintenance Board for the Lake Cachuma Pumping Facility Project	500,000
STAG—Drinking Water State Revolving Fund	CA	City of Atwater for the Buhach Road and Gurr Road Utility Extension	3,000,000
STAG—Drinking Water State Revolving Fund	CA	Solano Irrigation District for Quail Creek Well Relocation and Associated Conveyance Facilities	2,824,000
STAG—Drinking Water State Revolving Fund	CA	City of Ripon for the SSJID Surface Water Connection Project	3,452,972
STAG—Drinking Water State Revolving Fund	CA	Stanislaus County for a Crows Landing Water Wells Project	3,452,972
STAG—Drinking Water State Revolving Fund	CA	Valley Center Municipal Water District Lilac Road Pipeline Replacement Project	3,060,000
STAG—Drinking Water State Revolving Fund	CA	Borrego Water District—Borrego Spring Road Transmission Main and Sun Gold Pipeline Replacement Projects	3,392,667
STAG—Drinking Water State Revolving Fund	CA	Orange County Water District PFAS Groundwater Treatment Project	5,000,000
STAG—Drinking Water State Revolving Fund	CA	Placer County Water Agency Alta Loop Pipeline Project	1,000,000
STAG—Drinking Water State Revolving Fund	CA	City of Sacramento for the Shasta Groundwater Well Project	3,452,972
STAG—Drinking Water State Revolving Fund	CA	City of Azusa for Aspan Well Treatment and Rehabilitation	2,500,000
STAG—Drinking Water State Revolving Fund	CA	City of Salinas for the Castroville Seawater Intrusion Project	900,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	CA	Soquel Creek Water District for a Water Reliability Improvement Project	1,416,000
STAG—Drinking Water State Revolving Fund	CA	City of Hemet for the Oakland and Santa Fe Water Main Replacement Project	1,200,000
STAG—Drinking Water State Revolving Fund	CA	Coachella Valley Water District for a Water Consolidation Project	3,452,972
STAG—Drinking Water State Revolving Fund	CA	City of Santa Fe Springs for Water Well No. 12 Assessment and Treatment	2,200,000
STAG—Drinking Water State Revolving Fund	CA	Water Replenishment District of Southern California for Five Groundwater Well Projects	2,500,000
STAG—Drinking Water State Revolving Fund	CA	City of Pleasanton for a PFAS Treatment and Well Rehabilitation Project	2,000,000
STAG—Drinking Water State Revolving Fund	CA	Eastern Municipal Water District for the Well 56 & 57 PFAS Removal Project	3,452,972
STAG—Drinking Water State Revolving Fund	CA	City of Pomona for Groundwater Treatment R34	1,600,000
STAG—Drinking Water State Revolving Fund	CA	City of Chino for a Treatment Plant Groundwater Wells 4 & 6 Project	2,000,000
STAG—Drinking Water State Revolving Fund	CA	City of Fowler New Well and System Interconnection for Drought Resiliency Project	3,005,200
STAG—Drinking Water State Revolving Fund	CA	City of Inglewood for a Water Main Replacement Project	3,452,972
STAG—Drinking Water State Revolving Fund	СО	Beulah Water Works District for Raw Water Storage	380,000
STAG—Drinking Water State Revolving Fund	CO	Town of Naturita for Wastewater Treatment Plant Lagoon Upgrade and Collection System	1,250,000
STAG—Drinking Water State Revolving Fund	CO	City of Delta for North Delta Water Line Replacement	380,000
STAG—Drinking Water State Revolving Fund	CO	City of Trinidad for a Drinking Water Infrastructure Project	1,149,000

STAG Account	State	Project Name and Barrier	Achount (\$)
STAG—Drinking Water	CO	(Recipient Name and Purpose) Town of Cheraw for a Regional Consolidation Project	1,625,000
State Revolving Fund			
STAG—Drinking Water State Revolving Fund	СО	Town of Superior for Granular Activated Carbon System at Water Treatment Plant	1,280,000
STAG—Drinking Water State Revolving Fund	СО	City of Aurora for a Waterline Replacement Program	2,800,000
STAG—Drinking Water State Revolving Fund	СО	Town of Minturn for a Water Treatment Plant	2,000,000
STAG—Drinking Water State Revolving Fund	СО	City of Northglenn for Water Treatment Plant Improvements	2,329,600
STAG—Drinking Water State Revolving Fund	СТ	School Hill Water Association for Clean Water for the School Hill Association	1,200,000
STAG—Drinking Water State Revolving Fund	СТ	The South Central Regional Water Authority for Lake Gaillard Water Treatment Plant HVAC and Electrical Improvements	2,647,000
STAG—Drinking Water State Revolving Fund	СТ	The South Central Regional Water Authority for Seymour Well Treatment Facility Generator Replacement	716,000
STAG—Drinking Water State Revolving Fund	СТ	The Metropolitan District Commission for Northeast Transmission Water Main	2,500,000
STAG—Drinking Water State Revolving Fund	СТ	Norwich Public Utilities for Poquetanuck Cove Crossing Water Interconnect	800,000
STAG—Drinking Water State Revolving Fund	DE	City of Dover for Water Main Extension and New Well	1,800,000
STAG—Drinking Water State Revolving Fund	FL	City of Fort Myers Water Treatment Expansion Plan	2,500,000
STAG—Drinking Water State Revolving Fund	FL	Town of Lantana for a Water Main Repair Project	1,200,000
STAG—Drinking Water State Revolving Fund	FL	Village of Pinecrest Waterline Lateral Connection Project	640,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (\$)
STAG—Drinking Water State Revolving Fund	FL	DeSoto County for the Restoration of Shoreline Off the Peace River in DeSoto County	2,500,000
STAG—Drinking Water State Revolving Fund	FL	Lee County for the North Lee County Wellfield Expansion Project	2,400,000
STAG—Drinking Water State Revolving Fund	FL	City of Hollywood for Membrane Softening Drinking Water Upgrades	3,452,972
STAG—Drinking Water State Revolving Fund	GA	City of Byron for Walker Road Drinking Water Improvement	651,000
STAG—Drinking Water State Revolving Fund	GA	Augusta-Richmond County for Water Line Evaluation	1,000,000
STAG—Drinking Water State Revolving Fund	GA	City of Keysville for Water Supply and Water Source Lines	197,000
STAG—Drinking Water State Revolving Fund	GA	Gwinnett County for Replacement and Upgrade of Aged Water Distribution Mains	2,988,000
STAG—Drinking Water State Revolving Fund	GA	City of East Point for a Water Main Upgrade Project	1,600,000
STAG—Drinking Water State Revolving Fund	HI	County of Hawai'i for North Kona Deep Well	2,080,000
STAG—Drinking Water State Revolving Fund	HI	County of Hawai'i for Large Water Meter Replacement	80,000
STAG—Drinking Water State Revolving Fund	IL	City of Chicago for Daycare Lead Service Line Replacement	1,000,000
STAG—Drinking Water State Revolving Fund	IL	City of Edwardsville for Cass Avenue Water Main Replacement	500,000
STAG—Drinking Water State Revolving Fund	IL	Village of Ivesdale for Water Main Improvements	250,000
STAG—Drinking Water State Revolving Fund	IL	Villages of Bedford Park & Lemont for Water Connection Project	500,000
STAG—Drinking Water State Revolving Fund	IL	City of Centralia for Water Line Replacement	500,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	IL	City of Quincy for Lead Service Line Replacement	400,000
STAG—Drinking Water State Revolving Fund	IL	DuPage County for York Township Drinking Water Project	300,000
STAG—Drinking Water State Revolving Fund	IL	City of Waukegan for Lead Service Line Replacement	500,000
STAG—Drinking Water State Revolving Fund	IL	City of Lewistown for a Municipal Water Supply Project	600,000
STAG—Drinking Water State Revolving Fund	IL	City of Litchfield Drinking Water Distribution System Improvements Phase I & II	2,284,429
STAG—Drinking Water State Revolving Fund	IL	City of Greenville Drinking Water Treatment Plant Construction	750,000
STAG—Drinking Water State Revolving Fund	IL	City of Pana Drinking Water Transmission Main Replacement	1,881,600
STAG—Drinking Water State Revolving Fund	IL	Sharpsburg & Neighboring Area Water System—Rural Water Distribution System Phase 3	690,750
STAG—Drinking Water State Revolving Fund	IL	City of Joliet for a Design and Development Project	3,452,972
STAG—Drinking Water State Revolving Fund	IL	Village of Roberts Emergency Water Infrastructure Needs	90,400
STAG—Drinking Water State Revolving Fund	IL	Village of Manhattan for Well 7 Improvements and Radium Reduction Treatment Project	3,452,972
STAG—Drinking Water State Revolving Fund	IL	Village of Midlothian for the 149th Street & Pulaski Road Water Main Replacement	1,064,000
STAG—Drinking Water State Revolving Fund	IL	Village of Skokie for Lead Service Line Replacement Project	2,000,000
STAG—Drinking Water State Revolving Fund	īL	City of Waukegan for a Water Works Improvement Project	3,452,972
STAG—Drinking Water State Revolving Fund	IL	Village of Oswego for Corrosion Studies	1,800,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	KS	Kansas City Board of Public Utilities for Aged Water Line Replacement	10,000,000
STAG—Drinking Water State Revolving Fund	KY	City of Lawrenceburg Water System Improvements Project	2,000,000
STAG—Drinking Water State Revolving Fund	KY	Nicholas County Water District—Phase 13 Water System Improvements	1,548,000
STAG—Drinking Water State Revolving Fund	KY	City of Stanton Water Improvements Project	640,000
STAG—Drinking Water State Revolving Fund	KY	Lebanon Water Works Company Tank Project	1,000,000
STAG—Drinking Water State Revolving Fund	KY	Daviess County Water District Waterline Upgrade	640,000
STAG—Drinking Water State Revolving Fund	KY	Letcher County Water and Sewer District Water System Improvements	3,000,000
STAG—Drinking Water State Revolving Fund	KY	City of Hazard Buckhorn Water Treatment Plant and Transmission Line Project	2,500,000
STAG—Drinking Water State Revolving Fund	LA	Town of Farmerville for Water Metering Project	560,000
STAG—Drinking Water State Revolving Fund	LA	Jackson Parish Hospital for Potable Water System	750,000
STAG—Drinking Water State Revolving Fund	LA	Natchitoches Regional Medical Center for Natchitoches Regional Medical System Potable Water System	1,120,000
STAG—Drinking Water State Revolving Fund	LA	West Calcasieu Cameron Hospital Water Booster Station (100,000 GPD Avg. Demand) Project	2,000,000
STAG—Drinking Water State Revolving Fund	MA	City of Gardner for Gardner Water Transmission Main	1,000,000
STAG—Drinking Water State Revolving Fund	MA	Town of Sharon for a PFAS Water Treatment Plant Project	3,452,972
STAG—Drinking Water State Revolving Fund	MA	Town of Millis for a Water Supply PFAS Treatment Planning, Design, Construction Project	3,452,972

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	MA	Town of Somerset for a Hot & Cold Lane Tank THM Removal System	3,200,000
STAG—Drinking Water State Revolving Fund	MA	Town of Mansfield for the PFAS Treatment for Dustin/Prescott Wells Project	2,000,000
STAG—Drinking Water State Revolving Fund	MA	Town of Burlington for the Mill Pond PFAS Filter Facility	1,000,000
STAG—Drinking Water State Revolving Fund	MA	Town of Winchendon for the Central Street Water Main Replacement and Upgrade Project	494,950
STAG—Drinking Water State Revolving Fund	MD	City of Westminster for Advanced Water Purification System	2,945,000
STAG—Drinking Water State Revolving Fund	MD	Town of North East for Leslie Water Treatment Plant	500,000
STAG—Drinking Water State Revolving Fund	MD	Charles County for WSSC Waldorf Interconnection	250,000
STAG—Drinking Water State Revolving Fund	MD	City of Westminster for a Water Main Replacement at Route 27	2,150,000
STAG—Drinking Water State Revolving Fund	ME	Gray Water District for Maine Turnpike Crossing Water Main Replacement	1,416,000
STAG—Drinking Water State Revolving Fund	ME	City of Calais for Calais Well and Generator Replacement	576,000
STAG—Drinking Water State Revolving Fund	ME	Baileyville Utilities District for Palm Street Waterline Replacement	1,592,000
STAG—Drinking Water State Revolving Fund	ME	Stonington Water Company for Stonington Water Storage Tank Construction	1,000,000
STAG—Drinking Water State Revolving Fund	ME	Anson-Madison Sanitary District for Anson- Madison Regional PFAS Treatment Facility	500,000
STAG—Drinking Water State Revolving Fund	ME	Town of Limerick for a Water and Sewer Mains Replacement Project	1,000,000
STAG—Drinking Water State Revolving Fund	MI	City of Benton Harbor for Water System Improvements	800,000

STAG Account	State	Project (Recipient Name and Purpose)	Adnount (S)
STAG—Drinking Water State Revolving Fund	MI	Oakland County for Royal Oak Township Water System Improvements	1,600,000
STAG—Drinking Water State Revolving Fund	MI	City of Hamtramck for Water System Improvements	3,452,972
STAG—Drinking Water State Revolving Fund	MI	Bruce Township 33 Mile Road & McVicar Water Main Connection Project	1,600,000
STAG—Drinking Water State Revolving Fund	MI	City of Richmond Main Street Water Main Replacement (Division to CN RR)	943,000
STAG—Drinking Water State Revolving Fund	MI	Village of Almont W. & E. St. Clair Road Reconstruction/Water Main & Sewer Replacement Project	3,950,800
STAG—Drinking Water State Revolving Fund	MI	Township of Clay M—29 Water Main Replacement Project	2,500,000
STAG—Drinking Water State Revolving Fund	МІ	City of St. Clair Water Tower/Booster Station Project	1,000,000
STAG—Drinking Water State Revolving Fund	MI	City of Clawson for a Water Main Reconstruction Project	710,000
STAG—Drinking Water State Revolving Fund	MI	City of Jackson for the Hupp-Morrell Water Transmission Connector	4,240,000
STAG—Drinking Water State Revolving Fund	MI	City of Jackson for a M—50 Water Transmission Main	5,000,000
STAG—Drinking Water State Revolving Fund	MN	City of Cologne for Water Tower Repair	500,000
STAG—Drinking Water State Revolving Fund	MN	City of Woodbury for Water Main Replacement Project	468,000
STAG—Drinking Water State Revolving Fund	MN	City of Beaver Bay for Water Intake Repair Project	432,000
STAG—Drinking Water State Revolving Fund	MN	City of Otsego for Drinking Water Treatment Improvements	3,400,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water	MN	City of Lafayette for Water Treatment Project	1,000,000
State Revolving Fund			
STAG—Drinking Water State Revolving Fund	MN	City of Woodbury for a East Wellfield Manifold Pipe Project	3,452,972
STAG—Drinking Water State Revolving Fund	MN	City of Plymouth for Zachary Water Treatment Plant Enhancements	2,000,000
STAG—Drinking Water State Revolving Fund	MN	City of Aitkin Regional Water Tower Upgrade	2,320,000
STAG—Drinking Water State Revolving Fund	MN	City of Aurora—East Mesabi Water Project	4,000,000
STAG—Drinking Water State Revolving Fund	МО	City of Springfield for Booster Pump Station	14,000,000
STAG—Drinking Water State Revolving Fund	МО	City of St. Charles for Well Replacement	2,000,000
STAG—Drinking Water State Revolving Fund	МО	City of Brookfield Drinking Water Project	1,240,000
STAG—Drinking Water State Revolving Fund	МО	City of Republic Water Tower Project	5,000,000
STAG—Drinking Water State Revolving Fund	MS	City of Byram for Water Supply Improvements	4,000,000
STAG—Drinking Water State Revolving Fund	MS	City of Ridgeland Water and Wastewater Infrastructure Improvements	3,500,000
STAG—Drinking Water State Revolving Fund	MS	Mississippi Band of Choctaw Indians Tucker Potable Water Treatment Plant Project	2,400,000
STAG—Drinking Water State Revolving Fund	MS	City of Jackson—General Filter Repairs at the J.H. Fewell Water Treatment Plant	2,800,000
STAG—Drinking Water State Revolving Fund	MS	Town of Brooksville Water and Wastewater Infrastructure Improvements	2,500,000
STAG—Drinking Water State Revolving Fund	MS	Town of Leakesville Jernigan Water Main Extension	1,826,424

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	MS	City of Gulfport Northwood Water Main Replacement	1,600,000
STAG—Drinking Water State Revolving Fund	NC	City of Oxford for the Kerr Lake Regional Water Treatment Plant Improvement Project	3,452,972
STAG—Drinking Water State Revolving Fund	NC	Town of Hillsborough for a Water Booster Pump Station	1,267,500
STAG—Drinking Water State Revolving Fund	NC	City of Sanford for Triangle Regional Governments Water Treatment Plant Improvements	3,326,400
STAG—Drinking Water State Revolving Fund	NC	Sampson County Expansion of Water Treatment Facilities	1,000,000
STAG—Drinking Water State Revolving Fund	NH	Town of Jaffrey for Water Main Replacement	1,000,000
STAG—Drinking Water State Revolving Fund	NH	Town of Winchester for Pump Station and Water Main	2,000,000
STAG—Drinking Water State Revolving Fund	NH	City of Dover for a Regional Emergency Drinking Water Distribution Interconnection	3,452,972
STAG—Drinking Water State Revolving Fund	NJ	Keyport Borough for Water Main Replacement and Upgrade Project	2,347,000
STAG—Drinking Water State Revolving Fund	NJ	City of Cape May for Drinking Water Treatment Plant Expansion	600,000
STAG—Drinking Water State Revolving Fund	NJ	Town of Dover for Lead Service Line Replacement Project	250,000
STAG—Drinking Water State Revolving Fund	NJ	Borough of Fair Lawn for a Water Treatment Facility Project	3,452,972
STAG—Drinking Water State Revolving Fund	NJ	Township of Mahwah for a Water Department Filtration System	800,000
STAG—Drinking Water State Revolving Fund	NJ	Borough of Park Ridge for a Water Remediation Project	3,452,972
STAG—Drinking Water State Revolving Fund	NJ	Moorestown Township for the Kings Highway/Main Street Water Main Replacement	2,240,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	NJ	Willingboro Municipal Utilities Authority for the Well 5A PFOS Treatment System Upgrade	3,452,972
STAG—Drinking Water State Revolving Fund	NJ	Borough of Netcong for Water Service Line Replacements	600,000
STAG—Drinking Water State Revolving Fund	NJ	Borough of Flemington for Potable Water Well #11	1,200,000
STAG—Drinking Water State Revolving Fund	NJ	Borough of Alpha for a Elevated Water Storage Replacement Project	3,320,561
STAG—Drinking Water State Revolving Fund	NJ	City of Garfield for a Lead Piping Removal and Replacement Project	2,400,000
STAG—Drinking Water State Revolving Fund	NJ	Morris County Parks Commission for the Boonton Reservoir Improvement Project	600,000
STAG—Drinking Water State Revolving Fund	NJ	Township of Montclair for PFOAS and Perchlorate Treatment — Rand Well	2,056,000
STAG—Drinking Water State Revolving Fund	NJ	City of Elizabeth for Replacement of Known Lead Service Lines	2,170,000
STAG—Drinking Water State Revolving Fund	NJ	Lower Township Municipal Utilities Authority—North Cape May Watermain Replacement	1,953,918
STAG—Drinking Water State Revolving Fund	NM	Village of Cimarron for Waterline Replacement	700,000
STAG—Drinking Water State Revolving Fund	NM	City of Gallup for New Water Wells	1,300,000
STAG—Drinking Water State Revolving Fund	NM	Town of Springer for Water Distribution System Improvements	1,265,000
STAG—Drinking Water State Revolving Fund	NM	City of Santa Rosa for Water System Improvements	800,000
STAG—Drinking Water State Revolving Fund	NV	City of North Las Vegas for Robinson Well Rehab	2,500,000
STAG—Drinking Water State Revolving Fund	NV	Virgin Valley Water District for Arsenic Treatment Plant	3,040,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	NV	City of Ely for Lower East Ely Water Mains Upgrade	2,430,000
STAG—Drinking Water State Revolving Fund	NV	Truckee Meadows Water Authority Spanish Springs Nitrate and Arsenic Treatment Plant	3,000,000
STAG—Drinking Water State Revolving Fund	NV	Moapa Valley Water District for Water Transmission Line Replacement	2,476,640
STAG—Drinking Water State Revolving Fund	NV	Virgin Valley Water District for Water Line Replacement	2,660,000
STAG—Drinking Water State Revolving Fund	NY	City of Syracuse for Intake No.2 Extension	1,500,000
STAG—Drinking Water State Revolving Fund	NY	Village of Cuba for Water System Improvements	1,000,000
STAG—Drinking Water State Revolving Fund	NY	City of Long Beach for Water Mains Replacement	1,000,000
STAG—Drinking Water State Revolving Fund	NY	Village of Kiryas Joel for Phase II Water Treatment Facility Improvements	1,500,000
STAG—Drinking Water State Revolving Fund	NY	Town of Hempstead for an East Meadow Dioxane Mitigation Project	5,000,000
STAG—Drinking Water State Revolving Fund	NY	Genesee County Water Security and Resiliency North Water Storage Tank Project	2,000,000
STAG—Drinking Water State Revolving Fund	NY	Cayuga County Water and Sewer Authority Installation of an Alternate Water Connection in the Town of Sennett	560,000
STAG—Drinking Water State Revolving Fund	NY	Town of Newburgh for the Colden Park Watermain Replacement Project Phase III	3,452,972
STAG—Drinking Water State Revolving Fund	NY	Town of Putnam Valley for a Potable Watermain and Treatment Plant Installation Project	2,800,000
STAG—Drinking Water State Revolving Fund	NY	City of Middletown for Water Systems Improvement Phase III Project	3,452,972

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	NY	Village of Freeport for Security Improvements to Water Operations	240,000
STAG—Drinking Water State Revolving Fund	NY	Town of Beekmantown Drinking Water Remediation	750,000
STAG—Drinking Water State Revolving Fund	NY	Town of Ticonderoga for Route 74 Neighborhood Water Source and Distribution	4,000,000
STAG—Drinking Water State Revolving Fund	NY	Town of Schuyler Falls Morrisonville Water District Improvements	2,562,500
STAG—Drinking Water State Revolving Fund	NY	City of Glen Cove for Installation of Packed Tower Aeration System at Duck Pond Road Well Station	3,452,972
STAG—Drinking Water State Revolving Fund	NY	Town of Schuyler—Graham, Newport, and Brown Road Water District Project	1,000,000
STAG—Drinking Water State Revolving Fund	NY	Town of Orwell Water System Improvements	2,351,200
STAG—Drinking Water State Revolving Fund	NY	City of Norwich Water Main Replacement	2,850,000
STAG—Drinking Water State Revolving Fund	NY	Village of Fultonville for Drinking Water Upgrades Project	45,000
STAG—Drinking Water State Revolving Fund	NY	Suffolk County Water Authority Calverton Connection Project (South River Road)	5,000,000
STAG—Drinking Water State Revolving Fund	NY	Town of Riverhead Clean Water Project	2,000,000
STAG—Drinking Water State Revolving Fund	ОН	Ironton for Water Main Extension and Booster Station Improvements Project	2,000,000
STAG—Drinking Water State Revolving Fund	ОН	Cleveland Water for Potable Water System Upgrade	1,000,000
STAG—Drinking Water State Revolving Fund	ОН	Southwest Licking Community Water and Sewer District 161 Water Tower Project	2,134,300
STAG—Drinking Water State Revolving Fund	ОН	Village of Seville Water Transmission Main Replacement	1,000,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	ОН	Village of Adena Water Meter Replacement Project	174,240
STAG—Drinking Water State Revolving Fund	ОН	City of Toronto Walton Acres Phase 1 Waterline Improvement Project	600,000
STAG—Drinking Water State Revolving Fund	ОН	Geauga County Board of County Commissioners Services Center Water System Upgrade	520,000
STAG—Drinking Water State Revolving Fund	ОН	City of Portsmouth Water Treatment Plant	4,000,000
STAG—Drinking Water State Revolving Fund	OK	City of Waurika for Improvements to Water Treatment Plant	3,892,000
STAG—Drinking Water State Revolving Fund	ОК	McCurtain County for Water Line Replacement	4,000,000
STAG—Drinking Water State Revolving Fund	ОК	Town of Maysville for Improvements to Water Treatment Plant	4,000,000
STAG—Drinking Water State Revolving Fund	OK	City of Oilton for Improvements to Water Treatment Plant	80,000
STAG—Drinking Water State Revolving Fund	OK	City of Barnsdall for Improvements to Water Treatment Plant	880,000
STAG—Drinking Water State Revolving Fund	OK	Cleveland County for Water System Extension	4,000,000
STAG—Drinking Water State Revolving Fund	ОК	City of Watonga for Improvements to Water Treatment Plant	2,000,000
STAG—Drinking Water State Revolving Fund	ОК	City of Lawton for Alternate Groundwater Supply	4,000,000
STAG—Drinking Water State Revolving Fund	ОК	City of Edmond Water Treatment Plant Expansion	5,000,000
STAG—Drinking Water State Revolving Fund	ОК	City of Seminole Water Tower Replacement	4,351,281
STAG—Drinking Water State Revolving Fund	OR	City of Falls City for Water System Project	1,600,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	OR	City of Burns for Water System Improvements	3,500,000
STAG—Drinking Water State Revolving Fund	OR	City of Prairie City for Water Distribution System Improvements	602,000
STAG—Drinking Water State Revolving Fund	OR	City of Redmond for Water System Construction	2,000,000
STAG—Drinking Water State Revolving Fund	OR	City of Grants Pass for Water Treatment Plant Relocation Project	2,000,000
STAG—Drinking Water State Revolving Fund	OR	City of Paisley for Water System Improvements	2,820,000
STAG—Drinking Water State Revolving Fund	OR	Confederated Tribes of Warm Springs for the Warm Springs Public Water System Drinking Water Infrastructure including through an interagency agreement with the Indian Health Service	5,000,000
STAG—Drinking Water State Revolving Fund	OR	Tualatin Valley Water District for the Willamette Water Supply System Construction Project	3,000,000
STAG—Drinking Water State Revolving Fund	PA	Meadville Area Water Authority for Tank Rehab	390,000
STAG—Drinking Water State Revolving Fund	PA	Municipal Water Authority of Aliquippa for Water Distribution System Improvements	500,000
STAG—Drinking Water State Revolving Fund	PA	Ashland Area Municipal Authority for S.R. 61 Waterline Replacement Project	416,000
STAG—Drinking Water State Revolving Fund	PA	Albert Gallatin Municipal Authority for Distribution System Expansion	500,000
STAG—Drinking Water State Revolving Fund	PA	Redbank Valley Municipal Authority for Water System Improvements	500,000
STAG—Drinking Water State Revolving Fund	PA	East Dunkard Water Authority Waterline System	2,734,400
STAG—Drinking Water State Revolving Fund	RI	Town of Jamestown Water for Transmission and Distribution Line Replacement Project	2,500,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	RI	Providence Water Supply Board for Cybersecurity Protection	212,000
STAG—Drinking Water State Revolving Fund	RI	Providence Water Supply Board for Lead Service Line Replacement	2,288,000
STAG—Drinking Water State Revolving Fund	SC	Greenville Water for Adkins Water Transmission Main Line Project	5,400,000
STAG—Drinking Water State Revolving Fund	SC	City of Aiken for Shaws Creek Water Treatment Plant	4,500,000
STAG—Drinking Water State Revolving Fund	TN	City of Oak Ridge Water Treatment Plan Transmission Main	5,000,000
STAG—Drinking Water State Revolving Fund	TN	Town of Tellico Plains Water Treatment Plant	800,000
STAG—Drinking Water State Revolving Fund	TX	City of West University Place for the Milton Street Waterline Replacement Project	2,500,000
STAG—Drinking Water State Revolving Fund	TX	San Antonio Water Systems Generators for Critical Infrastructure Protection Project	2,000,000
STAG—Drinking Water State Revolving Fund	UT	Jordan Valley Water Conservancy District Emergency Drinking Water	2,873,120
STAG—Drinking Water State Revolving Fund	UT	Herriman City Water Line Replacement	3,243,520
STAG—Drinking Water State Revolving Fund	UT	Kearns Improvement District Water Infrastructure Project	1,760,000
STAG—Drinking Water State Revolving Fund	UT	Tooele City Corporation—Tooele Valley Water Well and Storage Project	4,000,000
STAG—Drinking Water State Revolving Fund	VA	Rockbridge County for Raw Water Pumping Station	3,000,000
STAG—Drinking Water State Revolving Fund	VA	Spotsylvania County for the Motts Run Water Treatment Plant Expansion Project	3,452,972
STAG—Drinking Water State Revolving Fund	VT	Town of Randolph for North Wells and Reservoir Project	775,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (\$)
STAG—Drinking Water State Revolving Fund	VT	City of Barre for Route 302 Water Main Replacement	2,240,000
STAG—Drinking Water State Revolving Fund	VT	Royalton Fire District 1 for Water Improvement Projects	670,000
STAG—Drinking Water State Revolving Fund	WA	City of West Richland for Flat Top Community Park Well Replacement and Hazard Elimination	2,500,000
STAG—Drinking Water State Revolving Fund	WA	Public Utility District #1 of Wahkiakum County for Puget Island Water System Mainline Improvement Project	261,000
STAG—Drinking Water State Revolving Fund	WA	Cowlitz County for Shadow Mountain Water System Extension and Booster Pump Station	1,500,000
STAG—Drinking Water State Revolving Fund	WA	City of Bridgeport for Water System Improvements	751,000
STAG—Drinking Water State Revolving Fund	WA	City of Pomeroy for Water System Improvements	436,000
STAG—Drinking Water State Revolving Fund	WA	Public Utility District No. 1 of Skamania County— Carson Water Treatment Plant Rebuild	3,000,000
STAG—Drinking Water State Revolving Fund	WA	Skagit Public Utility District for the Alger Interstate 5 Waterline Relocation	2,000,000
STAG—Drinking Water State Revolving Fund	WA	Town of Winthrop Watermain Reconstruction	667,000
STAG—Drinking Water State Revolving Fund	WA	City of Issaquah for the Aquifer Project	600,000
STAG—Drinking Water State Revolving Fund	WA	Muckleshoot Tribe for a Water System Improvements Project	3,452,972
STAG—Drinking Water State Revolving Fund	WI	Town of Campbell for PFAS Remediation in Drinking Water Wells	1,666,000
STAG—Drinking Water State Revolving Fund	WI	Rib Mountain Sanitary District for Drinking Water Plant and PFAS Mitigation	1,667,000

STAG Account	State	Project (Recipient Name and Purpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	WI	City of Park Falls for Water and Sewer Aging Infrastructure Improvements	1,667,000
STAG—Drinking Water State Revolving Fund	WI	Eau Claire Waterworks for Drinking Water Infrastructure	1,666,000
STAG—Drinking Water State Revolving Fund	WI	Town of Peshtigo for Safe Drinking Water Infrastructure	1,667,000
STAG—Drinking Water State Revolving Fund	WI	City of Wausau for Drinking Water PFAS Response Project	1,667,000
STAG—Drinking Water State Revolving Fund	WI	City of Milwaukee for a Clean Water Initiative	3,452,972
STAG—Drinking Water State Revolving Fund	WI	Village of New Glarus for a Water Tower Project	1,000,000
STAG—Drinking Water State Revolving Fund	WV	Ravenswood for Sewage Treatment Plant	3,500,000
STAG—Drinking Water State Revolving Fund	wv	Union for Pickaway Waterline Extension	400,000
STAG—Drinking Water State Revolving Fund	WV	Logan Water Department for Alternate Source Water	500,000
STAG—Drinking Water State Revolving Fund	WV	Berkeley County Public Service Water District for Bunker Hill Water Mainline Upgrade	3,000,000
STAG—Drinking Water State Revolving Fund	WV	Keyser for Water Treatment Plant and System Improvements	8,000,000
STAG—Drinking Water State Revolving Fund	wv	City of Mannington for Water Meter Upgrades	229,000
STAG—Drinking Water State Revolving Fund	WV	Branchland Midkiff PSD for Kentucky Fork of 4 Mile Creek Water Extension	370,000
STAG—Drinking Water State Revolving Fund	WV	Gilmer County PSD for Waterline Extension Upgrade	350,000
STAG—Drinking Water State Revolving Fund	wv	Marshall County Commission Grand Vue Park Waterline Replacement	410,438

STAG Account	State	Project (Recipient Name and Punpose)	Amount (S)
STAG—Drinking Water State Revolving Fund	WV	Town of Newburg Independence Water Supply Line Project	2,000,000
STAG—Drinking Water State Revolving Fund	WV	Town of Triadelphia Village of Valley Grove Water System Improvements	5,000,000
STAG—Drinking Water State Revolving Fund	WV	Kingwood Water Works (WISDOM Project)	4,000,000
STAG—Drinking Water State Revolving Fund	wv	Town of Harrisville Mellin Ridge Water Line Extension	400,000
STAG—Drinking Water State Revolving Fund	wv	Wyoming County Commission Hanover Waterline Extension	450,000
STAG—Drinking Water State Revolving Fund	wv	New Haven Public Service District Old Gwinn Road Water Main Extension	1,000,000

Appendix C: Technical Corrections-Procedural Information

Examples of Acceptable Technical Corrections

Below are three common types of corrections that are generally acceptable. All examples assume concurrence from the original recipient and the new recipient to be named, if applicable.

Original Language	Purpose (P) or Recipient (R)?	New Language
Anytown for wastewater infrastructure improvements	P	Anytown for water infrastructure improvements
Anytown for wastewater infrastructure improvements	R	Greater Anytown-Area Regional Sewer Authority for wastewater infrastructure improvements
Anytown for wastewater infrastructure improvements	P, R	Greater Anytown-Area Regional Water Authority for drinking water infrastructure improvements

Technical corrections cannot: 1) change the purpose to a non-construction project unless it otherwise provides for water quality protection; 2) change the purpose to construction of infrastructure that is not drinking, waste, or stormwater-related unless it otherwise provides for water quality protection; 3) change the purpose to debt repayment; or 4) transfer funds to another Federal Agency.

Who Can Request a Technical Correction?

Technical correction requests must be in writing and, for a change in purpose, must be originated by the original recipient. A request involving a change in recipient can be initiated by either the original recipient or the new entity to be named, but such a request requires the written concurrence of the other party. Requests involving a change in both recipient and purpose can also be initiated by either entity with concurrence from the other; however, the original earmark recipient must specifically acknowledge both the change in purpose and the change in recipient in their concurrence. Any request for technical corrections from parties other than the original recipient or the new entity will generally not be considered.

Procedure for Making a Technical Correction

Recipients requesting a technical correction should first consult their <u>EPA Regional Contact</u> to discuss the need for, and evaluate the appropriateness of, a technical correction. When appropriate and necessary, the EPA Regional Office will submit technical corrections to EPA Headquarters for consultation with and resolution by Congress.

EPA Regional Offices provide all written requests that are consistent with this Guidance to EPA Headquarters for review and submission to the Agency's Liaison to the House and Senate Committees on Appropriations ("Appropriations Liaison"). The Appropriations Liaison initiates consultation with the House and Senate Committees on Appropriations. EPA approves proposed corrections after the Appropriations Liaison transmits confirmation of consultation with the Committees. ¹² EPA may then proceed with administering projects within the scope of approved corrected language.

When a Technical Correction is Unnecessary

All changes in the project purpose require a technical correction. All changes in the recipient require a technical correction unless the intended recipient is an agency of the original recipient or is wholly owned or controlled by the recipient (e.g., the recipient is listed as Anytown, USA, but the intended recipient is the Anytown Department of Water Quality). In such cases, a grant may be made to the intended recipient without a technical correction.

Withdrawing or Reversing a Technical Correction

Technical corrections requests that have been approved by EPA can be reversed (i.e., reverted to the original appropriation language). Reversing a technical correction requires a new technical correction following the procedures outlined above. Technical corrections requests that have not been approved by EPA Headquarters can be withdrawn. Withdrawal procedures depend on how far along the request went in the Congressional consultation process.

- If the request has not yet been provided to Congress for consultation, the request will simply be removed from the submission list. Upon confirmation from EPA Headquarters that the request was removed, the Region can proceed under the scope of the original language.
- If the request has been sent to Congress for consultation, but not yet returned, EPA Headquarters will request its removal from consideration and will notify the Region when they can proceed under the scope of the original language.
- If the consultation process was already completed, EPA will send the language reversal back to Congress in a subsequent request.

Administering a Technically Corrected Project

Technical corrections made under the technical corrections authority should be administered in accordance with the guidance document from the fiscal year of appropriation.

¹² If the circumstances surrounding a technical correction for a particular project change after consultation with the Committees and EPA decides not to approve the request, EPA will notify the Committees in a subsequent request.

Appendix D: Application Forms and Attachments

The following registration steps must be completed prior to submitting an application package:
Registration in SAM.gov. Unique Entity Identifiers (UEIs) are assigned during the SAM.gov registration process. Recipients with active SAM.gov registrations prior to April 2022 automatically have a UEI but may need to complete entity validation within SAM.gov. Recipients must be registered in SAM.gov. Recipients may refer to the Entity Registration Checklist and obtain SAM.gov assistance via the Federal Service Desk at 1-866-606-8220 or fsd.gov (M-F 8am-8pm ET).
Registration in Grants.gov. Once registered in SAM.gov, recipients who have a SAM.gov registration can then register with Grants.gov and assign Grants.gov Roles. Please note that only an Authorized Organization Representative (AOR) can submit an application on behalf of the recipient. Grants.gov instructions, and Training Resources & Videos are available online. Grants.gov assistance is available 24 hours a day, 7 days a week at 1-800-518-4726 or
support@grants.gov (closed on federal holidays).
Complete application packages must be submitted through <u>Grants.gov</u> and must include the following:
1. Application for Federal Assistance (SF 424) with authorized signatures submitted.
2. Additional information for SF424, Block #19 (if applicable): <u>Is application subject to review by State under Executive Order 12372 Process?</u>
Select the appropriate box. If box "a" is selected, enter the date the application was submitted to the State SPOC (generally, applicants must submit the SF424 or summary thereof to the State SPOC to meet the requirements under Executive Order 12372).
 California. All EPA programs and activities subject to Intergovernmental Review have been selected for <u>State Single Point of Contact</u> (SPOC) review. Community Grant Applications for projects in California should be submitted to the California SPOC at state.clearinghouse@opr.ca.gov.
 Utah. Only applications for EPA financial assistance subject to Intergovernmental Review submitted by Utah state agencies have been

selected for SPOC review. Applications by local governments, nonprofit organizations and other entities are not reviewed by the Utah SPOC. Utah state agencies are to submit their Community Grant applications to

stategrants@utah.gov.

No other SPOCs have selected EPA programs and activities subject to Intergovernmental Review for SPOC review, however there may be requirements for submission of Federal grant applications to SPOCs or other state agencies based on state law that are independent of 40 CFR Part 29. EPA encourages applicants to comply with state requirements but does not enforce those requirements.

- <u>Intergovernmental Review SPOC List</u> provides contact information for each SPOC.
- Fact sheet for Applicants Intergovernmental Review Process provides additional information on Intergovernmental Review.
- 3. ☐ Budget Information for Non-Construction Programs (SF 424A).
 - ☐ Budget Detail-Breakdown by Object Class Categories.

RAIN-2019-G02 at https://www.epa.gov/grants/rain-2019-g02

- Costs for hiring construction contractors would be reflected in SF 424A Category g "Construction."
- Costs for building or repairing facilities and related demolition and site preparation work or for remediating contamination are to be classified as SF424A Category g "Construction."
- Costs for hiring Architectural and Engineering firms for design/project management services would be categorized in SF 424A Category f "Contractual."
- Construction activities carried out by the applicant's own employees ("force account") are to be classified as SF 424A Category a "Personnel."
- Information on cost allowability is provided in <u>2 CFR Part 200, Subpart E</u>. Recipients may review EPA's <u>training course</u> on budget development. EPA reviews costs included in project budgets as part of the application/pre award process to ensure they conform with general principles of cost allowability:
 - o A cost is eligible if it is permitted by statute, program guidance, or regulations.
 - A cost is reasonable if it does not exceed that which would be incurred by a
 prudent person under the circumstances prevailing at the time the decision was
 made to incur the cost.
 - Costs must be allocable: costs must be incurred either directly or indirectly to carry out the project and must be charged proportionately across all benefitting cost centers.
 - o Costs must be necessary for the project being funded.

Allowable costs are:

- Adequately documented.
- o Conform to limitations of laws, regulations, etc. and grant terms and conditions.
- o Consistent with recipient's policies/procedures same factors apply to both federal and non-federal activities.
- Accorded to consistent treatment a cost may not be assigned as direct if a similar cost incurred for the same purpose has been allocated as an indirect cost.

o Not included as a cost or used to meet a matching requirement for any other federal grant. o Consistent with generally accepted accounting principles 4.

Use the Project Narrative Attachment Form to submit the Workplan. The workplan should include tasks, milestones, and expected environmental results or outcomes (See Appendix E). 5.

Use the Other Attachments Form to submit the Current Indirect Cost Rate Negotiation Agreement. If applicable, include Rate and Signature pages (i.e., Sections 1 and 3) of the approved Indirect Cost Rate Agreement with application. EPA Policy on Indirect Rate Costs (IDC) effective 10/1/2018, RAIN-2018-G02. Prior to drawing down EPA funds for IDCs, and/or using unrecovered IDCs as costshare, recipients must have an approved rate and an EPA- approved budget that includes IDCs. IDCs are those that are nor readily identifiable with a particular activity but are necessary to the general operation of the recipient organization and the conduct of the proposed project (such as general administration expenses). 7.

Pre-Award Compliance Review Report (EPA Form 4700-4), current form with authorized signature. See Tips for Completing EPA Form 4700-4. 8.

Use the Other Attachments Form to submit the Certification Regarding Lobbying (EPA Form 6600-06) with authorized signature. All applicants, including Tribes, are required to submit this certification if the total federal dollar awarded to the applicant/recipient is greater than \$100,000 for the life of the grant. 9.

Use the Other Attachments Form to submit the Disclosure of Lobbying Activities (Form SF-LLL), with authorized signature attached with the grant application package. For all other applicants, form is required for reporting entity,

whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action, or a material change to a previous filing, pursuant to Title 31 U.S.C Section 1352. Used by applicants to disclose lobbying activities that have

been secured to influence the outcome of a federal grant action.

Accessing the Application Package

NOTE: Do not use the "SEARCH" bar located at the top right of the Grants.gov webpage to find Application Packages.

To locate Application Package:

- 1. Go to directly to the funding opportunity on Grants.gov.
- 2. In the "Package" tab, scroll down the page to locate Assistance Listing Number 66.202 (listed under the column heading "CFDA") for the application package.



REMINDERS:

- Do NOT use the "SEARCH" bar located at the top right of the <u>Grants.gov</u> screen to find Application Packages. Follow the instructions above.
- Recipients must ensure appropriate role(s) and access in <u>Grants.gov Workspace</u> are assigned within recipient entity as applicable; each entity's <u>EBiz point of contact</u> (<u>POC</u>) is the person that authorizes or assigns Grants.gov roles. Additional information on <u>Grants.gov</u> role assignment is available online.
- There are a series of automated emails generated by Grants.gov during the application submission process. See sample email below.
- Obtain a Tracking Number from Grants.gov Support technicians when contacting the <u>Grants.gov Support Center</u> for assistance. This Tracking Number is used to help ensure your issue(s) is fully addressed.

Please contact the <u>Grants.gov Support Center</u> by phone (1-800-518-4726) or email (<u>support@grants.gov</u>) for technical support or questions. Help is available 24 hours a day, 7 days a week, excluding federal holidays.

ALERT: It is important to read the automated emails generated by Grants.gov as the messages provide application status updates during the submission process. Below is a sample automated email indicating that an application has been sent to the funding agency with an assigned tracking number.

Sample Grants.gov Email - Application Sent To Funding Agency

From: DoNotReply @grants.gov

<DoNotReph @grants gov > Sent: Tuesday, December 25,

2019 4:32 AM

To: Jane.Doe @happycamp.org

Subject: GRANT1234567S Grants.gov Agency Tracking Number Assignment for Application

Grantor agency has assigned the following Agency Tracking Number to your application: e9466bf2-797a-4cfc-b013-7bb696001c1bGRANT12345678.

You will need the Agency Tracking Number when corresponding with the Grantor agency about your application.

Use the Grants.gov Tracking Number at Grants.gov to check your application's status and to review your Agency Tracking Number:

Type: GRANT

Grants gov Tracking Number: GRANT12345678

DUNS Number: 9876543210000

AOR name: Jane Doe

Application Name: Clean Environment Grant Program

Opportunity Number: EPA-CEP-01

Opportunity Name: EPA Mandatory Grant Programs

Thank you. Grants.gov

If you have questions, please contact the Grants gov Contact Center: <u>support@grants.gov</u> 1-800-518-4726 24 hours a day, 7 days a week. Closed on federal holidays.

PLEASE NOTE: This email is for notification purposes only. Please do not reply to this email for any purpose.

Appendix E: Community Grants Workplan Contents/Outline

Name of Applicant and Project Title

Project Objective(s) and Need

Narrative, how project will resolve need/purpose.

Project Description

Narrative, maps, photographs, relevant design parameters etc. Clearly defined scope of work, outlining all activities to be performed under the grant; detailed description of the proposed project, summary of deliverables. Framework for managing the project, explanation of the approach, procedures, and controls for ensuring that awarded grant funds will be expended in a timely and efficient manner, evaluating performance and reporting progress toward achieving the expected outputs and outcomes. How tasks/activities will be undertaken. The scope of work must be in conformance with the project description. Budget narrative that links the budget to workplan tasks activities and includes source(s) of non-federal cost share.

Milestone Schedule

Narrative or tabular depiction of each grant activity's estimated start and end dates, interim milestones, deliverables, and project completion. The length of the grant award project period should be consistent with the milestone schedule.

Environmental Results/Benefits

Narrative or tabular linkage of each grant activity with the applicable <u>EPA Strategic Plan</u> goal and objective (i.e. EPA's FY2022 – FY2026 Strategic Plan Goal 5: Ensure Clean and Safe Water for All Communities, Objective 5.1: Ensure Safe Drinking Water and Reliable Water Infrastructure), anticipated environmental results, anticipated environmental outputs, and anticipated environmental outcomes.

- Outputs: environmental activities, efforts, and/or associated work products related to
 environmental goals or objectives, that will be produced or provided over a period of
 time or by a specified date. Outputs should be well-defined and may be quantitative
 or qualitative but must be measurable during an assistance agreement funding period.
- Outcomes: the results, effects or consequences that will occur from carrying out an
 environmental program or activity that is related to an environmental or
 programmatic goal or objective. Outcomes should be well-defined to the maximum
 extent practicable, and may be environmental, behavioral, health-related, or
 programmatic in nature, must be quantitative, and may not necessarily be achievable
 within an assistance agreement funding period.

Workplan Requirements for Identifying Contractors

Contractual selection must comply with the competitive Procurement Standards set forth in <u>2 CFR 200.317 – 2 CFR 200.327</u>. EPA's Contracts and Subawards solicitation clause provides more information about partnerships, and the <u>Best Practice Guide for Procuring</u>

Services, Supplies, and Equipment Under EPA Assistance Agreements can assist community project recipients in complying with procurement requirements. In general, all procurement transactions for professional engineering services and construction contractors must be conducted in a manner that promotes fair and open competition from an adequate number of qualified sources. 2 CFR 200.320 discusses the specific methods of procurement to be followed and the circumstances under which each method can be used.

Workplan Requirements for Identifying Subrecipients

Any proposed subawards must comply with regulatory standards as implemented in EPA's Subaward Policy. In almost all cases, for-profit firms and individual consultants are not proper subrecipients. For-profit firms and individual consultants would more likely be considered contractors.

Appendix F: Grant Policies and Resources

Grants Management Training for Applicants and Recipients

- <u>EPA's online training courses</u> are free and are designed to introduce potential EPA grant recipients to key aspects of the entire grant lifecycle, from preparation of an application through grant closeout.
- Information on EPA Form 4700-4 is available online, see <u>Tips for Completing EPA Form</u> 4700-4

EPA Grant Policies

 <u>EPA grant policies</u> may affect how recipients manage and administer EPA assistance agreements.

Budget Development

• Community Grant recipients may refer to <u>Interim General Budget Development</u>

<u>Guidance for Applicants and Recipients of EPA Financial Assistance</u> to learn more about cost eligibility and preparation of the budget component of the application package.

Selected Items of Cost

EPA POs and grant specialists review costs included in project budgets as part of the application. Allowability of costs is based on several factors specified in <u>2 CFR Part 200, Subpart E</u>. EPA's <u>Guidance on Selected Items of Cost for Recipients</u> provides information on the allowability of specific costs.

Environmental Review

The National Environmental Policy Act (NEPA) requires evaluation of how federal grant actions may affect the quality of the environment. Under NEPA, environmental impacts must be considered before EPA can award the grant.

• The <u>Categorical Exclusion (CATEX) Checklist</u> provides information on assessing whether a project may be considered for a CATEX. EPA's list of actions that can be categorically excluded is contained within <u>40 CFR Part 6 Subpart B</u>. EPA makes CATEX determinations based on its own regulations and can use information collected as part of another federal agency's NEPA process. Recipients having a CATEX determination resulting from another agency's NEPA review of their project may provide that information to EPA as part of any request for a CATEX.

The following tools may be used to support development of Environmental Information Documents (EIDs).

- The sample EID Outline provides optional format and content on what to include in an EID.
- The <u>Infrastructure Task Force Preliminary Engineering Report</u> provides a recommended format for preliminary engineering reports (PER) for use when planning drinking water and wastewater infrastructure.

Procurement

- EPA's Best Practice Guide for Procuring Services, Supplies and Equipment Under EPA
 Assistance Agreements describes the financial transactions covered by the competitive
 procurement requirements and other rules you must follow when awarding and
 administering EPA funded contracts.
- Community grant recipients must follow their own procurement procedures, which must
 be documented and comply with State, local or tribal laws and regulation as well as
 Federal laws and Uniform Grant Guidance (UGG) procurement regulations. Projects
 inclusive of CWSRF-eligible activities, irrespective of whether such projects are cofunded with CWSRF funding, must comply with the procurement processes for
 architectural and engineering (A/E) services as identified in 40 U.S.C. 1101 et seq., or an
 equivalent State requirement.

Davis Bacon

The <u>Davis-Bacon Act</u> requires that all contractors and subcontractors performing
construction, alteration, and repair (including painting and decorating) work under federal
contracts in excess of \$2,000, pay their laborers and mechanics not less than the
prevailing wage and fringe benefits for the geographic location. Personnel costs include
salaries, wages, and allowable incentive compensation for recipient employees (i.e., who
receive W-2 forms) who spend time working on the project and are not subject to Davis
Bacon.

EPA's Disadvantaged Business Enterprise (DBE) Program

• EPA's <u>DBE Program</u> applies to all EPA Assistance Agreements and requires recipients who procure goods and/or services to: employ the good faith efforts, document their efforts and maintain DBE forms and other documentation from the prime contractor, and report their procurement and <u>DBE</u> activities even if there isn't anything to report.

Build America, Buy America (BABA)

Recipients are required to ensure that procurement plans comply with <u>BABA</u>
requirements prior to grants being awarded. Requirements call for all the iron, steel,
manufactured products, and construction materials used in the project to be produced in
the United States.

American Iron and Steel (AIS)

• The <u>AIS provision</u> requires recipients to use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works. Compliance with AIS requirements correspond to for iron and steel products will satisfy a subset of BABA requirements, (e.g., those pertaining to iron and steel), however BABA also includes requirements pertaining to manufactured goods and construction materials, which must also be met. Projects that are in compliance with BABA are in compliance with AIS.

EPA Community Grants program

• The <u>EPA Community Grants</u> web page will be updated as new information becomes available.

Reporting waste, fraud, abuse, or other suspected violations of law

- The EPA Office of Inspector General is an independent oversight office charged with preventing and detecting <u>waste</u>, <u>fraud</u>, <u>and abuse</u> by EPA and U.S. Chemical Safety and Hazard Investigations Board employees, grantees, contractors, and others. It does this through <u>audits</u> and <u>investigations</u> of Agency programs and operations, often in response to complaints submitted to the <u>OIG Hotline</u> regarding alleged violations of law, needless spending, or intentional deception.
- Suspected waste, fraud, abuse, or other violations of law can be reported anonymously or
 confidentially to the <u>OIG Hotline</u> via phone at (888) 546-8740, <u>email</u>, or online <u>form</u>.
 Listen to this podcast to learn more about the <u>hotline</u>.

Whistleblower Protection

- A <u>whistleblower</u> is a federal employee, an employee of a federal contractor, subcontractor, grantee, or subgrantee or personal services contractor who discloses what the individual believes to be evidence of a gross waste of federal funds, a substantial danger to public health or safety, or any of the following related to a federal contract or grant: gross mismanagement, abuse of authority, or other violation of law, rule, or regulation.
- Because of the important public service these individuals perform when they come
 forward, whistleblower protection laws prohibit reprisal against them, such as firing,
 demotion, or other discrimination, and protect the identities of those who make
 anonymous or confidential disclosures, such as via the OIG Hotline. Learn more about
 Whistleblower Protection here.



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 26, 2023

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

RE: Notification Regarding the Submission of the School Department Budget

Dear Madam President and Councilors,

It is my understanding that the School Department presents their annual operating budget to the City Council at an informal meeting as part of our yearly budget review process.

I am writing to inform you that the Gardner School Committee will be voting to finalize the School Department Budget Request at their meeting of Monday, May 8, 2023.

If the Council so chooses, the Administration will be prepared to present this budget to the City Council at their meeting of May 15th.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 17, 2023

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

RE: Bond Proceeds Appropriation Request – Downtown Improvement Project Phase III

Dear Madam President and Councilors,

As you are likely aware, the City is in currently in Phase III of a six (6) phase infrastructure improvement project for the greater downtown area.

Phase III, which is set to begin this year, involves upgrades to the North Central Pathway Bike Trail and new ADA compliant sidewalks along Monument Park with new Victorian light posts.

The bids for this project came in at a total of \$1,590,050.00.

While the majority of the project had already been funded through Community Development Block Grant Funds, MassTrails Grants, and a previously approved free cash appropriation request, that all only added up to \$1,240,500.00.

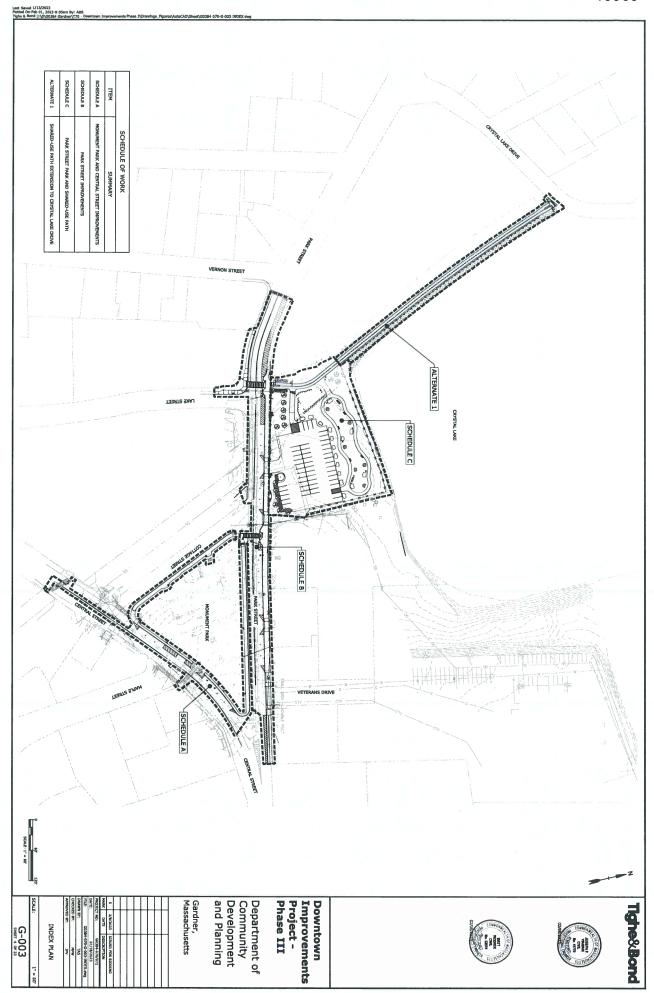
Therefore I am requesting that the City Council appropriate the remaining \$350,000 from the City's Bond Revenue Account to complete this project.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner AN ORDER APPROPRIATING A SUM OF MONEY FROM AVAILABLE FUNDS-BONDS PROCEEDS CAPITAL PROJECTS RESERVED.

ORDERED:

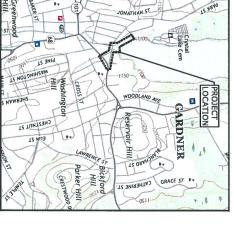
That there be and is hereby appropriated the sum of THREE HUNDRED, FIFTY THOUSAND DOLLARS 00/100 CENTS (\$350,000) from Available Funds-Bonds Proceeds Capital Reserved to Downtown Improvement Capital Project.



CITY OF GARDNER, MA DOWNTOWN IMPROVEMENTS PROJECT PHASE III

FEBRUARY 2023

ELECTRICAL DETAILS	E-501	23
ELECTRICAL LAYOUT PLAN	E-101	22
ALTERNATE 1 - PROFILE AND CROSS SECTIONS	C-603	21
ALTERNATE 1 - SITE LAYOUT & IMPROVEMENTS PLAN	C-602	20
ALTERNATE 1 - EXISTING CONDITIONS & DEMOLITION PLAN	C-601	19
SITE DETAILS - 7	C-507	18
SITE DETAILS - 6	C-506	17
SITE DETAILS - 5	C-505	16
SITE DETAILS - 4	C-504	15
SITE DETAILS - 3	C-503	14
SITE DETAILS - 2	C-502	13
SITE DETAILS - 1	C-501	12
ROADWAY PAVEMENT MARKING & SIGNAGE PLAN	C-401	11
PATH PROFILE AND CROSS SECTIONS	C-302	10
PARK GRADING & DRAINAGE PLAN	C-301	9
SITE LAYOUT & IMPROVEMENTS PLAN - 2	C-202	8
SITE LAYOUT & IMPROVEMENTS PLAN - 1	C-201	7
EXISTING CONDITIONS & DEMOLITION PLAN - 2	C-102	6
EXISTING CONDITIONS & DEMOLITION PLAN - 1	C-101	5
INDEX PLAN	G-003	4
GENERAL NOTES	G-002	3
LEGEND & ABBREVIATIONS	G-001	2
COVER	G-000	1
DRAWING TITLE	DRAWING NO.	SHEET NO.
LIST OF DRAWINGS		



PREPARED BY: Tighe&Bond

PREPARED FOR:
CITY OF GARDNER
DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING
CITY HALL ANNEX - ROOM 21
115 PLEASANT STREET
GARDNER, MA 01440 IOSEPH P. VIAMARI, JR., PE

MATTHEW P. WZOREK, PE

COMPLETE SET 23 SHEETS

LOCATION MAP

G-001

BASE PLAN NOTES

- 1. THE EXISTING CONDITIONS INFORMATION SHOWN ON THE DRAWINGS IS BASED ON THE FOLLOWING:
- SIRRY I MANIAC PRODUCE BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET & CENTAL STREET, GADONER, MUSSICHASETTS" AND DUTTES CENTRAMER STROMED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERSE TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERSE TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERSE TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERSE TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERSE TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERSE TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERS TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASETTS" AND DUTTED PROFERS TO, DUSTED BY WSP USA, INC. TITLED "DUSTING CONDITIONS PLAN PARK STREET TO GREEN STREET, GADONER, MUSSICHASET AND PROFERS TO GREEN STREET.
- UTILITY LOCATIONS SHOWN WERE PLUTTED FROM IMPORMATION SHOWLED BY RESPECTIVE UTILITY COMPANIES AND DATA ORTILADED FROM FEED SHAVERS AND LAS BUILT DRAWINGS, THE ACCURACY AND COMPACTEREDS OF SUMMERICAL REPORMATION ON THESE DRAWINGS IS NOT GUARANTEED, DETENDING THE LOCATIONS AND ELEVATIONS OF ALL UTILITIES WHICH MAY AFFECT CONSTRUCTION OPERATIONS.
- THE DRAWINGS ARE BASED ON THE FOLLOWING DATUMS HORIZONTAL: NAD83; VERTICAL: NAVD88.
- 4. THE EXISTING CONDITIONS SHOWN ARE APPROXIMATE. FIELD VERIFY EXISTING CONDITIONS.

GENERAL NOTES

- NOTIFY DISSAFE AT 1-889-344-7233, THE CITY OF GADDIES DEPARTMENT OF MUBIC WORKS AND OTHER UTILITY OWNERS IN THE AREA WOT ON THE DISSAFE LIST AT 12-801 SEPONDE. TO ANY DISCING, TRENDERG, BOOK HEMOVIAL DEPOLITION, BOHING, BACKPILLING, GALDING, IMPOSOMENG, OR ANY OTHER BARTH HOTHER GENERALDS.
- LOCATIONS OF EXISTING UTLITES AND APPROXIME, IN LOCATION, SOME UTLITIES MAY MOT BE SHOWN, DEFENDING THE EXACT LOCATION OF UTLITIES BY TEST HEY OR OTHER METHODS, AN EXCESSANT TO REPORT HOW ARE TO UTLITIES AND ANOTHER THEORY AND A UTBERNING IN UTLITY SERVICE, REPORD HE THE EXCAMINATION AND OTHER INVESTIGATIONS TO LOCATE UTLITIES, AND ROWLE THIS INFORMATION OT THE BEGINDER, PAIDS TO CONSTRUCTING THE PROPOSED HAND CONVANTION.
- NOT ALL OF THE UTILITY SERVICES TO BUILDINGS ARE SHOWN. THE CONTRACTOR SHALL ANTICIPATE THAT EACH PROPERTY HAS SERVICE CONNECTIONS FOR THE VALUE OF THE THATES.
- BOLD TEXT AND LINES INDICATE PROPOSED WORK. LIGHT TEXT AND LINES INDICATE APPROXIMATE EXISTING CONDITIONS.
- TIGHE & BOND ASSUMES NO RESPONSIBILITY FOR ANY ISSUES, LEGAL OR OTHERWISE, RESULTING FROM CHANGES MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM TIGHE & BOND.
- EXCAVATE ADDITIONAL TEST PITS TO LOCATE EXISTING UTILITIES AS DIRECTED OR APPROVED BY THE ENGINEER.
- THE CONTRACTOR IS RESPONSIBLE FOR SITE SAFETY; COORDINATION WITH THE OWNER, ALL SUBCONTRACTORS, AND WITH OTHER CONTRACTORS WORKING WITHIN THE LIMITS OF WORK, THE HEAVIS AND METHODS OF CONSTRUCTING THE PROPOSED WORK. NOTIFY THE ENGINEER OF ANY UTILITIES IDENTIFIED DURING CONSTRUCTION THAT ARE NOT SHOWN ON THE DRAWINGS OR THAT DIFFER IN SIZE OR MATERIAL
- COMPLY WITH OSHA'S LATEST STANDARDS FOR EXCAVATION SAFETY, INCLUDING THE PROVISION FOR A COMPETENT PERSON ON SITE AND ANY REQUIRED DOCUMENTATION THAT MAY REQUIRE CERTIFICATION BY A PROFESSIONAL ENGINEER.
- 10. OBTAIN, PAY FOR AND COMPLY WITH PERNITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK, ARRANGE AND PAY FOR NECESSARY INSPECTIONS AND APPROVALS FROM THE JURISDICTIONAL AUTHORITIES.
- 12. FIELD VERLEY ALL EXISTING CONDITIONS PRIDR TO CONSTRUCTION. IF FIELD CONDITIONS ARE OBSERVED THAT VARY SIGNIFICANTLY FROM THOSE SHOWN ON THE DRAWINGS, IMMEDIATELY NOTIFY THE ENGINEER IN WRITING FOR RESOLUTION OF THE CONFLICTING INFORMATION. 11. SHORE UTILITY TRENCHES WHERE FIELD CONDITIONS DICTATE AND/OR WHERE REQUIRED BY LOCAL, STATE AND FEDERAL HEALTH AND SAFETY CODES.
- PROTECT AND MANTANIA ALL CRITITIES IN THE ABEAS LINERS CONSTRUCTION IDIBING THE WOOK, LEAVE ALL PIES AND STRUCTIBES WITHIN THE LINETS OF THE CONTRACT IN A CLEAN AND OFBROALE CONTROL NOT THE CONFLICTION OF THE WOOK, TAKE ALL RECESSARY RECALITIONS TO REPENT SAND AND SILT FROM DISTURBED AREAS FROM BETERLINE THE DIAUMAGE STSTEM.
- 15. THE CONTRACTOR IS RESPONSIBLE FOR SUPPORT OF EXISTING UTILITIES AND REPAIR OR REPLACEMENT COSTS OF UTILITIES DAMAGED DURING CONSTRUCTION WHETHER ABOVE OR BELOW GRADE. REPLACE DAMAGED UTILITIES IMMEDIATELY AT NO ADDITIONAL COST TO THE OWNER, AND AT NO COST TO THE PROPERTY 14. NOTIFY THE ENSINEER IN WRITING OF ANY CONFLICT, ERROR, AMBIGUITY, OR DISCREANCY WITH THE PLANS OR BETWEEN THE PLANS AND ANY APPLICABLE LIM REGULATION, CODE, STANDARD SPECIFICATION, OR MANUFACTURER'S INSTRUCTIONS.
- NO OPEN TRENCHES WILL BE ALLOWED OVER NIGHT: THE USE OF ROAD PLATES TO PROTECT THE EXCAVATION WILL BE CONSIDERED UPON REQUEST, BUT BACKFILLING IS PREFERRED. 16. TAKE NECESSARY MEASURES AND PROVIDE CONTINUOUS BARRIERS OF SUFFICIENT TYPE, SIZE, AND STRENGTH TO PREVENT ACCESS TO ALL WORK AND STREING AREAS AT THE COMPLETION OF EACH DAYS WORK.
- THE CONTINUED IS RESPONSIBLE FOR ALL NECESSARY TRAFFIC CONTROL SAFETY DEVICES TO BISURE SAFE VEHICULAR AND PEDESTRUM ACCESS TRIQUICH THE WORK ARES, OR FOR SAFET, IMPEDIENTING DETOURS ANDIND THE WORK ARES, OR FOR SAFET, IMPEDIENTING LYAN.

 APPROVED THAFFE CONTROL, LYAN.
- 19. MAINTAIN EMERGENCY ACCESS TO ALL PROPERTIES WITHIN THE PROJECT AREA AT ALL TIMES DURING CONSTRUCTION.
- WHEN WORKING IN THE ROAD, PROTORE THE OWNER, AND LOCAL PREPADICESCHOOL, AUTHORITIES, A DETAULED PLAN OF APPRICACY INDICATING HETHOUS OF PROPOSED THATET CROTING ON A DAILY MESSE, PROTOR COMMINITION TO SIGNED COMMUNICATION AND COORDINATION OF THE CONTRACTION PERSON.
 AND LOCAL PREPOLICE/SCHOOL, AUTHORITIES THROUGHOUT THE CONSTRUCTION PERSON.
- REMOVE AND DISPOSE OF ALL CONSTRUCTION-RELATED WASTE NATERIALS AND DEBRIS IN STRUCT ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAWS.
- 22. THE TERM "DEMOLISH" USED ON THE DRAWINGS MEANS TO REMOVE AND DISPOSE OF IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS.
- THE TERM "ABANDON" USED ON THE DRAWINGS MEANS TO LEAVE IN PLACE AND TAKE APPROPRIATE MEASURES TO DECOMMISSION AS SPECIFIED OR NOTED ON THE DRAWDNGS.
- 24. ALL PROPOSED WORK MAY BE ADJUSTED IN THE FIELD BY THE OWNER'S PROJECT REPRESENTATIVE TO MEET EXISTING CONDITIONS

EROSION CONTROL NOTES

RAYDIE ALL BASSIM CHRIAL HEJARIES SHOMM, SPECIFIED, REQUIRED BY FRENIT, NAPION REQUIRED THE BECKIERER PRIOR TO ANY CONSTRUCTION OR INMEDIATELY UPWN REQUEST , HANTIANI SKILO COMTROL MESSIRES HIVET, THAN LEBRACET TEINFAINEN ABE IN AVACE MODER, WITTLE REMAINET FRECRITION IS EXPLAILISHED INSPECT AFTER EACH MAINSTORM AND DURING MACKR STORM RERITS TO COMPIRM THAT ALL SECIMENTATION AND ENGSION CONTROL MEASURES REQUIRED ARE IN PAUCE AND EFFECTIVE.

Tighe&Bond

- INSTALL SILT SACKS OR OTHER APPROVED SEDIMENTATION BARRIERS IN/AT ALL CATCH BASINS IN THE PROJECT AREA.
- COMPACT, STABLIZE, AND LOM, AND SEED SIDE SLOPES, SHOULDER, AREAS AND DISTURBED YEER/ITED JAKES, IN ACCORDANCE WITH THE COMTRACT DOCUMENTS AND AS REQUIRED BY PERMITS, GAUGE FIDE SLOPES, SHOULDER, AREAS AND AS TREATED AND ASSET OF A MOTHUM SLOPE OF 3 HORIZONTAL TO 1 PETITOL (SH:17), WHERE POSSIBLE PROVIDE BLODEGRADUABLE BROSSIN COMTROL, BLANKETS TO PREPAIT REDISCION MEIBE SLOPES AND STEEDER, THAN 3H:1V.
- SETTLE OR FILTER ALL SILT-LADEN WATER FROM DEWATERSING ACTIVITIES IN A SEDIMENTATION OR FILTER BAG TO REMOVE SEDIMENTS PRIOR TO RELEASE USING A SEDIMENTATION OR FILTER BAG LOCATED DOWN-GRADIENT OF THE DEWATERED AREA.
- UTILIZE APPROPRIATE DEMATERING SYSTEMS AND TECHNIQUES TO MAINTAIN EXCAVATIONS SUPFICIENTLY DRY FROM GROUNDWATER AND/OR SURFACE RUNOPE SO AS NOT TO ADVENSELY AFFECT CONSTRUCTION PROCEDURES OR CAUSE EXCESSIVE DISTURBANCE OF UNDERLYING NATURAL GROUND.
- THE RIGHT HE THENCHE AND ECHATIONS SALL IS EXEMPED OF IN SICH A MANNER AS TO ANDID MALE MISLANCE, TULINT TO MILL HEATH OF THE ENGINEMENT, MAES TO MILL ON PROVIET ROMENTY, OR DAMAGE TO THE WORK COMPLETED ON IN PROGRESS, DO NOT DISCUMDE WATER INTO ANY SANTIANY SAYER SYSTEM, SILTATION MERIES SHALL BE UTILIZED, SCHECESSANY,
- WATER FROM TRENCHES AND EXCAVATIONS SMALL NOT BE DISCHARGED DIRECTLY TO STORM DIAJN SYSTEMS, PROPER DISCHARGE TO SEDIMENTATION AREAS IS TO TAKE MACE PRIOR TO DISCHARGE TO ANY DRAINAGE SYSTEM,

- RECUTIONS SHAL IE "AURIT O RATTET HEN HOME ROM FACONED DIRIKE DIRIKE SHADE, GADINE IN THE ALBES SHIROLHOMS ALL ECHATIONS SHALL BE RIOPELLY SLOPED TO RECUTIONS SHALL BE RIOPELLY SLOPED TO RECEIVANT HOME AND HAMBLES, THEORY AND HAMBLES SHALL BE RIOPELD SHAD DIRIKE SHALL BE RIOPELD IN A SATISFACTORY MARKET.

 CAPALETION OF THE WORK AND HAMB DIRECTED, ALL ARADES SHALL BE RESTORED IN A SATISFACTORY MARKET.
- 10. THE AREAS OF CONSTRUCTION SHALL REMAIN IN A STABLE CONDITION AT THE CLOSE OF EACH CONSTRUCTION DAY. EROSION CONTROLS SHALL BE CHECKED AT THIS TIME AND MAINTAINED OR REINFORCED IF RECESSARY. SWEEP, COLLECT, REMOVE AND DISPOSE OF ANY SEDIMENT TRACKED ONTO PUBLIC RIGHT-OF-WAYS AT THE END OF EACH DAY.

REMOVE AND PROPERLY DISPOSE OF SILT TRAPPED AT BARRIERS IN UPLAND AREAS OUTSIDE BUFFER ZONES, REMOVE MATERIALS DEPOSITED IN ANY TEMPORARY SETTLING BASINS AT

LOAM AND SEED ALL DISTURBED VEGETATED AREAS TO ESTABLISH COVER AND STABILIZATION AS SOON AS POSSIBLE FOLLOWING DISTURBANCE

TEMPORARY STOCKPLES OF MATERIALS RELATED TO THE CONSTRUCTION ACTIVITIES ARE TO BE PROPERLY STABILIZED, PROTECTED AND DEMACATED TO PREPERT HOVEMENT OF MATERIAL INTO THE STORM DRAIN SYSTEM OR ON TO ADJACENT PROPERTIES.

- 13. MAINTAIN AN ADDITIONAL SUPPLY OF EROSION CONTROL MEASURES ON-SITE FOR EMERGENCY REPAIRS.
- 14. REPUELING AND ANY WORK ASSOCIATED WITH THE MAINTENANCE OF CONSTRUCTION EQUIPMENT SHALL BE PERFORMED IN COMPLIANCE WITH ALL PERTINENT REGULATIONS
- 15. STORE FUEL, OIL, PAINT, OR OTHER HAZARDOUS MATERIALS IN A SECONDARY CONTAINER AND REMOVE TO A SECURE LOCKED AND COVERED AREA DURING NON-WORK HOURS.
- PROVIDE A SUPPLY OF ASSORBERT SPILL RESPONSE MATERIALS SUCH AS BOOMS, BLANKTS, AND OIL ASSORBERT WATERIALS AT THE CONSTRUCTION SITE AT ALL TIMES TO CLEAN UP PRIETIAL SPILLS OF MAZNOOUS MATERIALS, IMPEDIATELY REPORT SPILLS OF MAZNOOUS MATERIALS TO THE STATE ENVIRONMENTAL AGENCY AND THE MUNICIPALTY WHERE THE WORK IS OCCURRING.

SURFACE RESTORATION NOTES

- 1. ALL PAVEMENT DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS
- PROVIDE SITE GROUNGE AT HANDLOWED DAMES, SIDEMALIS, AND BUILDING ENTRANCES THAT IS CONSISTENT WITH THE RELEVANT ACCESS REQUIREMENTS OF THE ACCITECTURAL ASSESSMENT (MAIL). FOR AMERICAN STATE ASSESSMENT AND ASSESSMENT AND ASSESSMENT ASSESSMENT
- ACCESSIBLE PAKKING STALL AND PASSENGER LOADING ZONE (ANY DIRECTION) SLOPE < 2.0%.
 LONGTIUDINAL SLOPE ALONG ACCESSIBLE ROUTES < 5.0%.
 CROSS SLOPE ALONG ACCESSIBLE ROUTES < 2.0%.
- NOTE THAT THE CITED ACCESSIBILITY REQUIREMENTS ALLOW NO TOLERANCE FOR SLOPES GREATER THAN THE MAXIMUM SLOPE
- WALKWAYS SHALL HAVE A CONTINUOUS COMMON SURFACE, NOT INTERRUPTED BY STEPS OR CHANGES IN LEVEL GREATER THAN 🛊 INCH
- PROVIDE A SMOOTH, FLUSH TRANSITION BETWEEN ALL NEW AND EXISTING PAVEMENTS.
- WHEELCHAIR RAMP SLOPE AND SIDE SLOPES (TRANSITIONS) WILL BE A MAXIMUM OF 7.5% WITH A CONSTRUCTION TOLERANCE OF 0.5%±.
- AT NO TIME IS ANY PART OF THE WHEELCHAIR RAMP, EXCLUDING CURB TRANSITIONS, TO BE LOCATED OUTSIDE OF THE CROSSWALK. THE WHEELCHAIR RAMP BYTRANCE IS TO BE CENTERED IN THE CROSSWALK WHENEYER POSSIBLE.

- THE ENTRANCE OF A WHEELCHAIR RAMP SHALL BE FLUSH WITH THE ROADWAY
- DETECTABLE WARRING PAYELS ARE REQUIRED ON ALL THE PROPOSED WHEELCHAIR RAMS AND ARE TO BE INSTALLED IN ACCORDANCE WITH THE MASSACHISETTS DEPARTMENT OF TRANSPORTATION (MASSOCT) CONSTRUCTION STANDARD E 107.6.5 (OCTOBER 2017).
- PROTECT PROJECT FEATURES (E.G., WALLS, FENCES, MAIL BOXES, SIGNS, SIDEWALKS, CURBING, STATES, WALKWAYS, TREES, ETC.) FROM DAWAGE DURING CONSTRUCTION, INCLIDING PROVIDING TEMPORALY SUPPORTS, WHEN APPROPRIATE.
- EXISTING SURVEY MOMUNENTS DISTURBED BY THE CONTRACTOR SHALL BE REPLACED BY A LAND SURVEYOR LICENSED IN THE STATE IN WHICH THE WORK IS PERFORMED AT NO ADDITIONAL COST TO THE OWNER. IF REMOVAL OF PADIECT FEATURES IS REQUIRED IN ORDER TO PERFORM THE PROPOSED WORK, REMOVE THOSE SITE FEATURES ONLY UPON APPROVAL OF ENGINEER. REPLACE ALL REMOVED PROJECT FEATURES; NEW ITEMS SHALL BE EQUAL OR BETTER IN QUALITY AND CONDITION TO THE ITEMS REMOVED.
- CORDINATE THE ADJUSTMENT OF EXISTING UTILITY STRUCTURES WITH EACH RESPONSIBLE UTILITY OWNER PRIOR TO RECONSTRUCTION AND/OR PAVING OPERATIONS. RAISE ALL STRUCTURES TO FRIESHED ERAIDES PRUICK TO THE END OF THE CONSTRUCTION SEASON AND PRUICK TO FRIESHED PAVING.
- 14. REPAIR DISTURBED PAVED SURFACES AT THE END OF EACH WORK WEEK, UNLESS OTHERWISE APPROVED/REQUIRED BY THE OWNER
- 15. PLACE TEMPORARY SITUMINOUS CONCRETE PAYEMENT AT DISTURBED PORTLAND CEMBIT CONCRETE SIDEWALKS AND DRIVEWAYS AT THE BID OF EACH WORK WEEK, UNLESS OTHERWISE APPROVED/REQUIRED BY THE OWNER.
- TRANSFER ALL TEMPORARY BENCHMARKS, AS NECESSARY.
- ACCOMMODATE REDISTRUM TRAFFIC WHERE A SIDEWALK IS TO BE CLOSED FOR SAFETY. "SIDEWALK CLOSED HERE" SIGNS SHALL BE USED AT THE NEAREST SAFE INTERSECTION. SEE
- 18. RESTORE ALL AREAS DISTURBED BY THE CONTRACTOR BEYOND THE PAYLINE LIMITS TO ORIGINAL CONDITIONS AT NO ADDITIONAL COST TO THE OWNER.
- 19. LOAM AND SEED ALL DISTURBED AREAS UNLESS OTHERWISE SPECIFIED. OVER EXCAVATE LOAM AND SEED AREAS AS REQUIRED TO MEET GRADE.

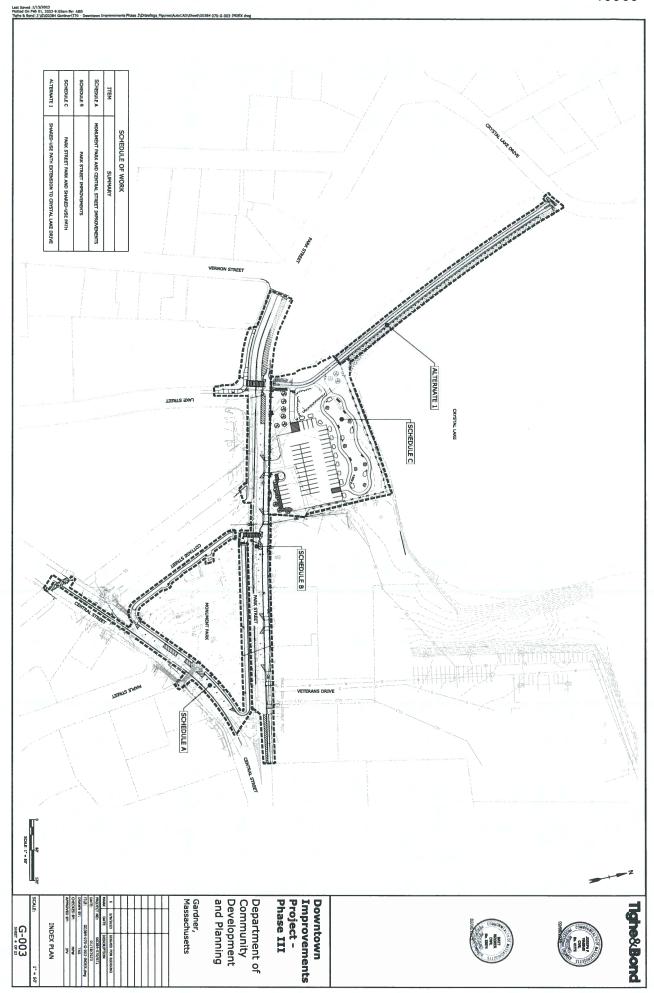
GENERAL NOTES

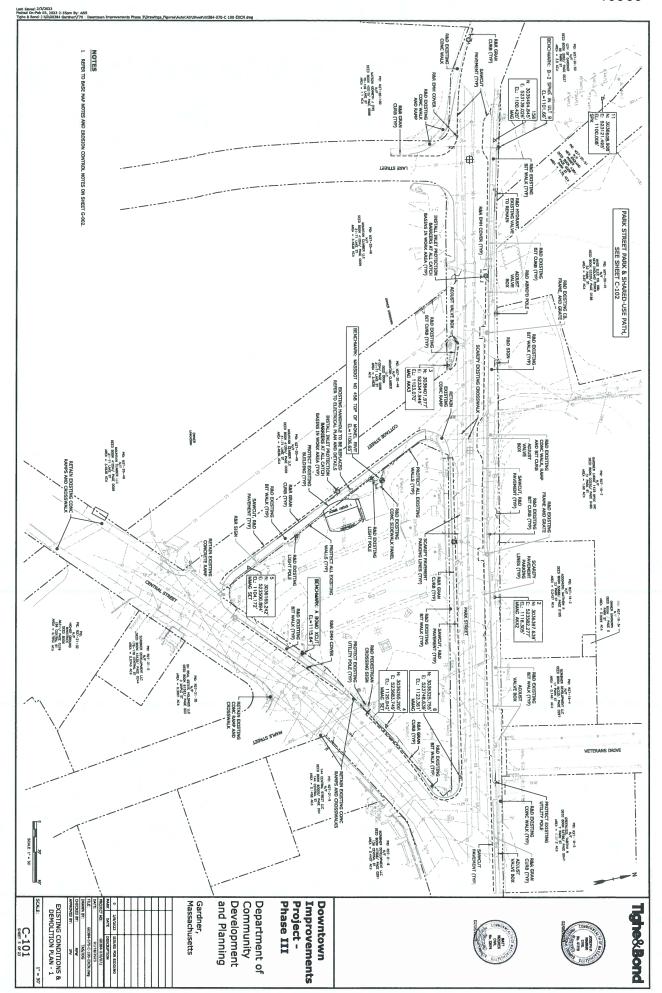
Phase III Project -**Improvements** Downtown

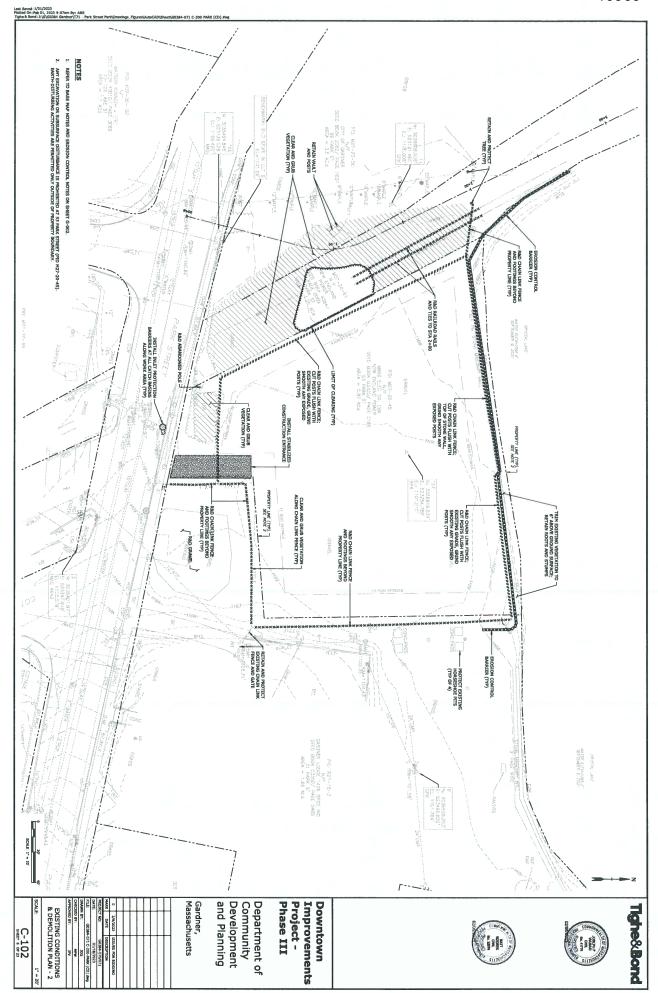
Development Department of Community

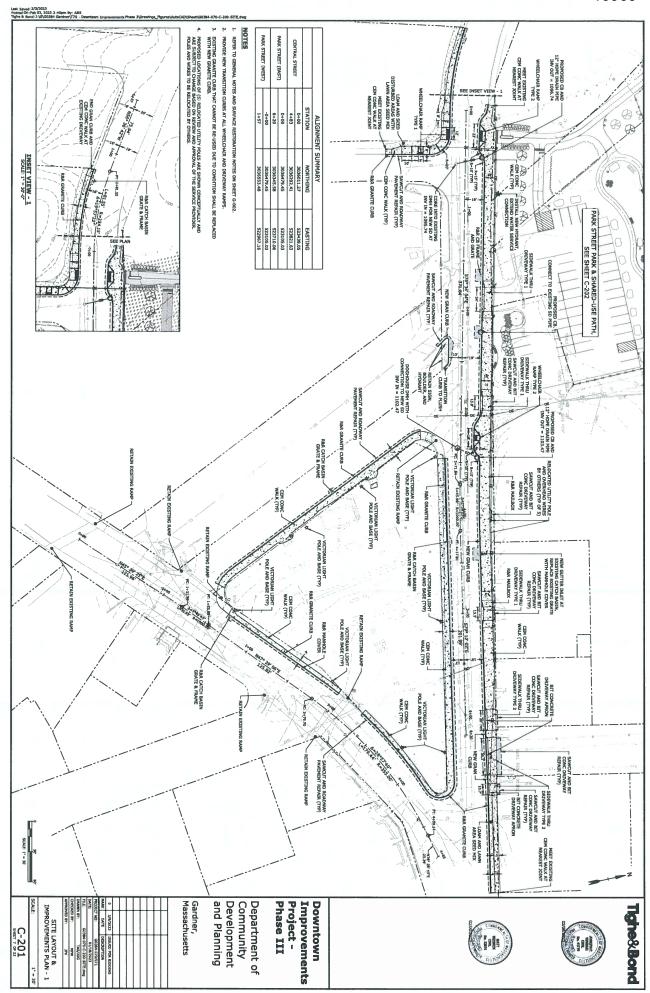
and Planning

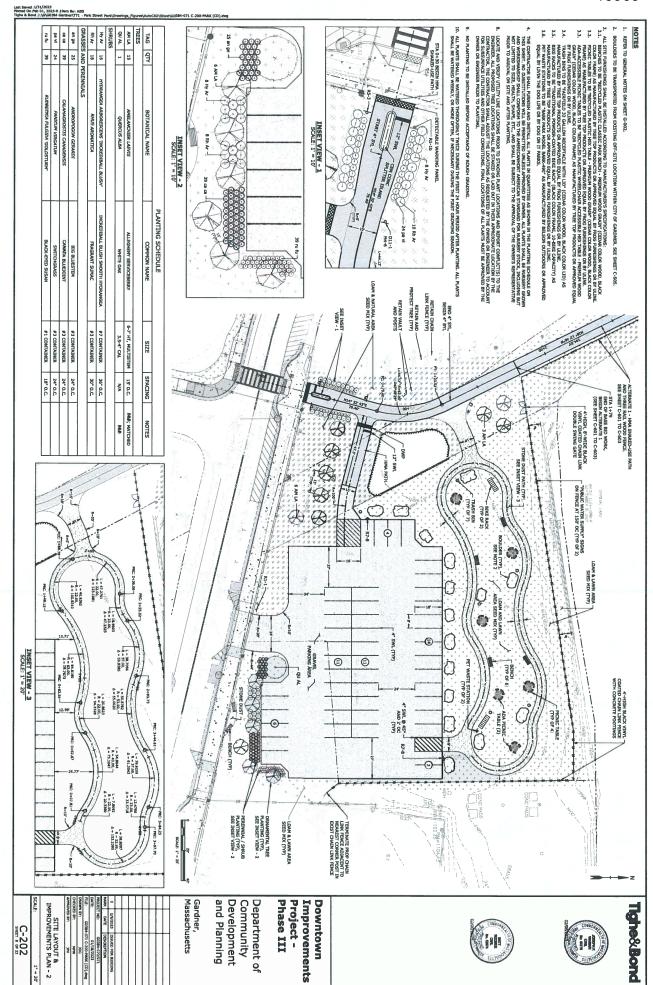
Gardner, Massachusetts

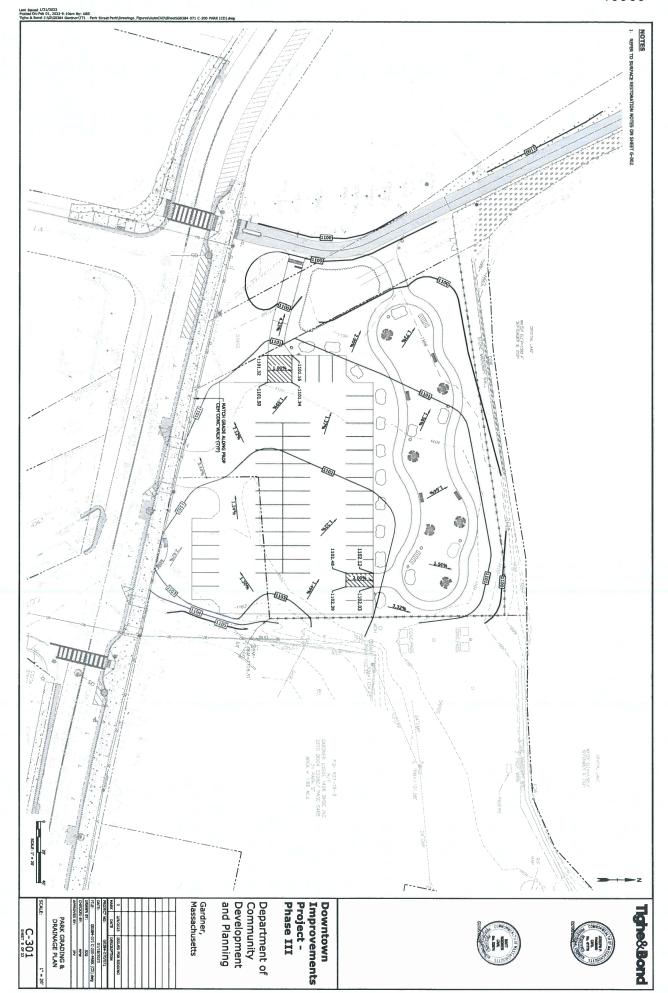


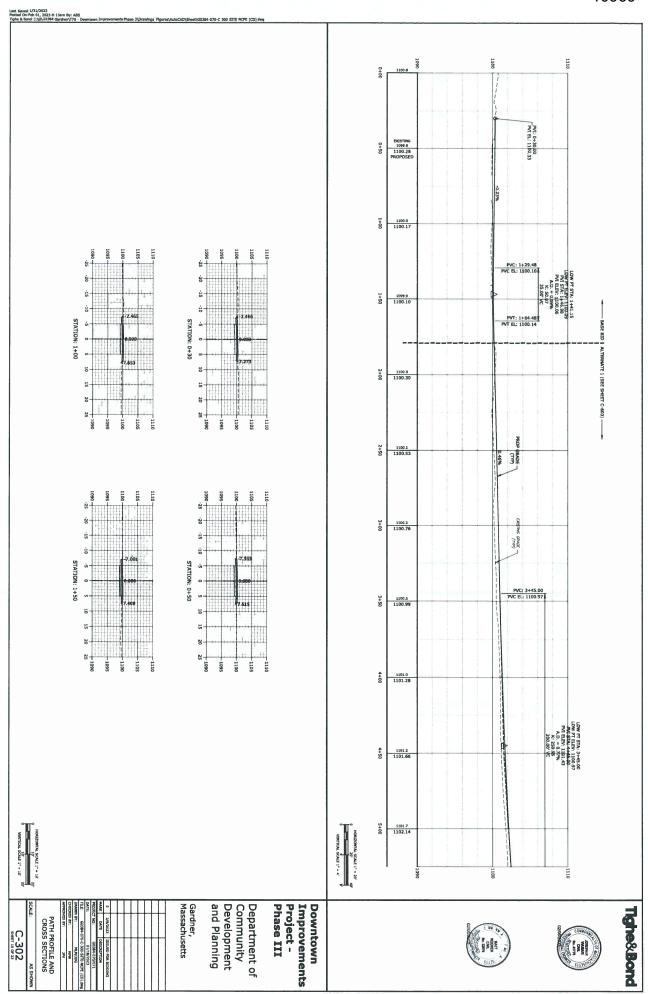


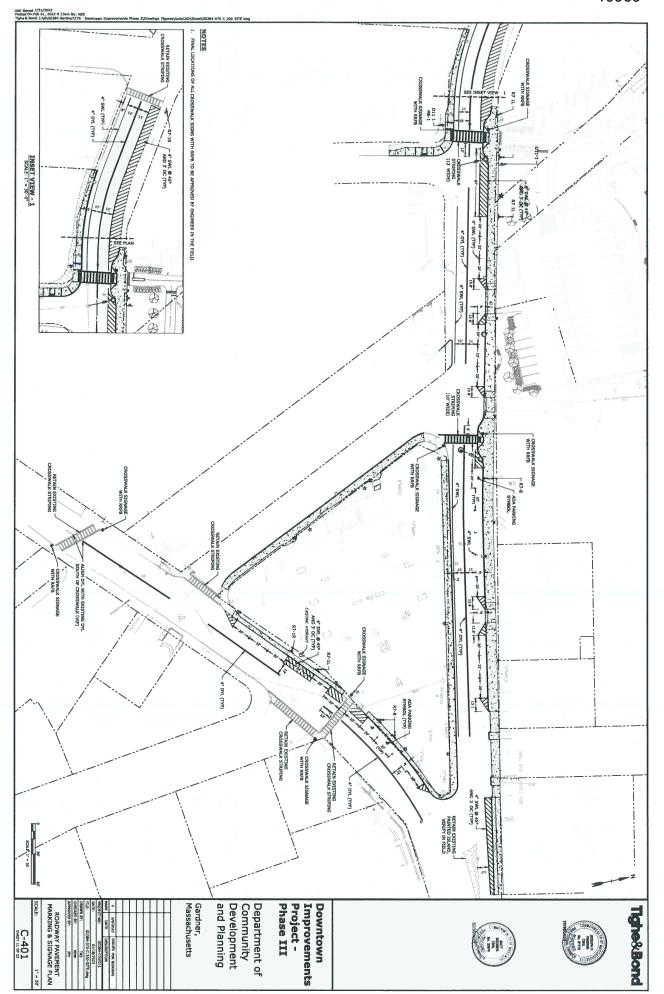


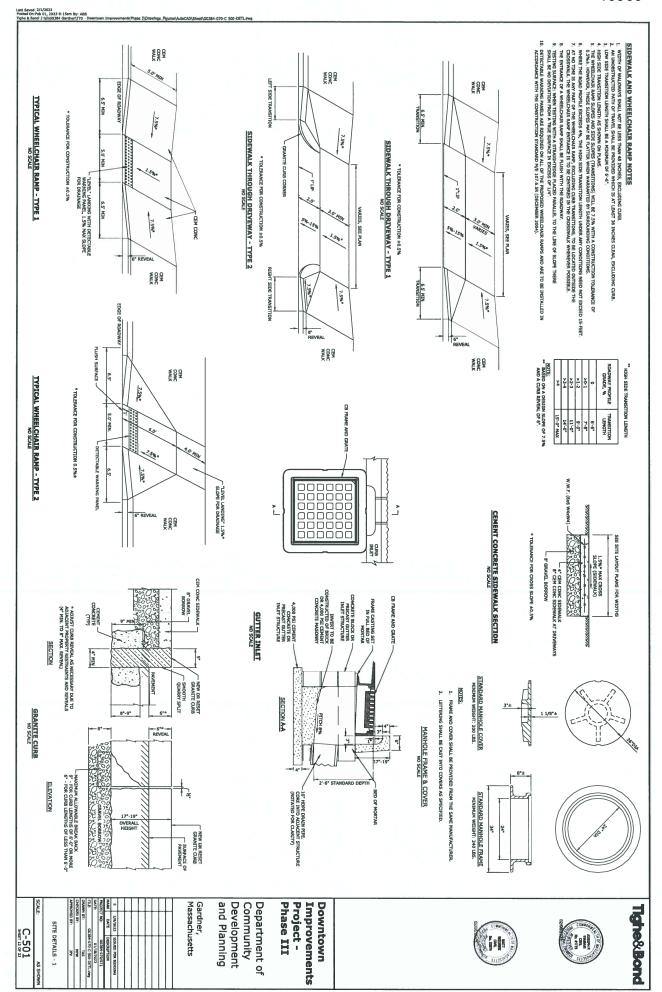


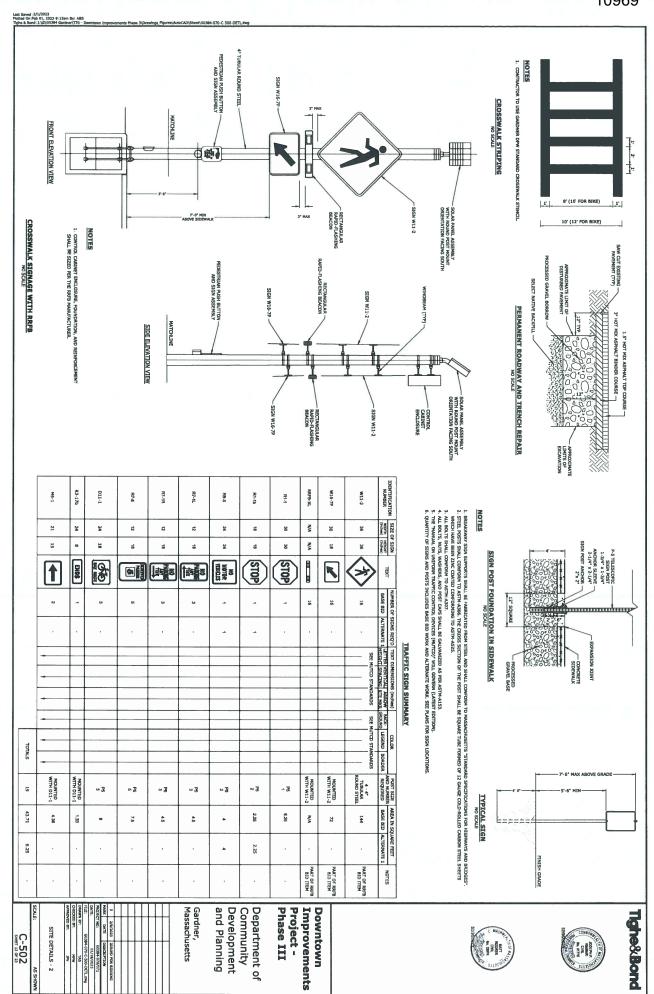


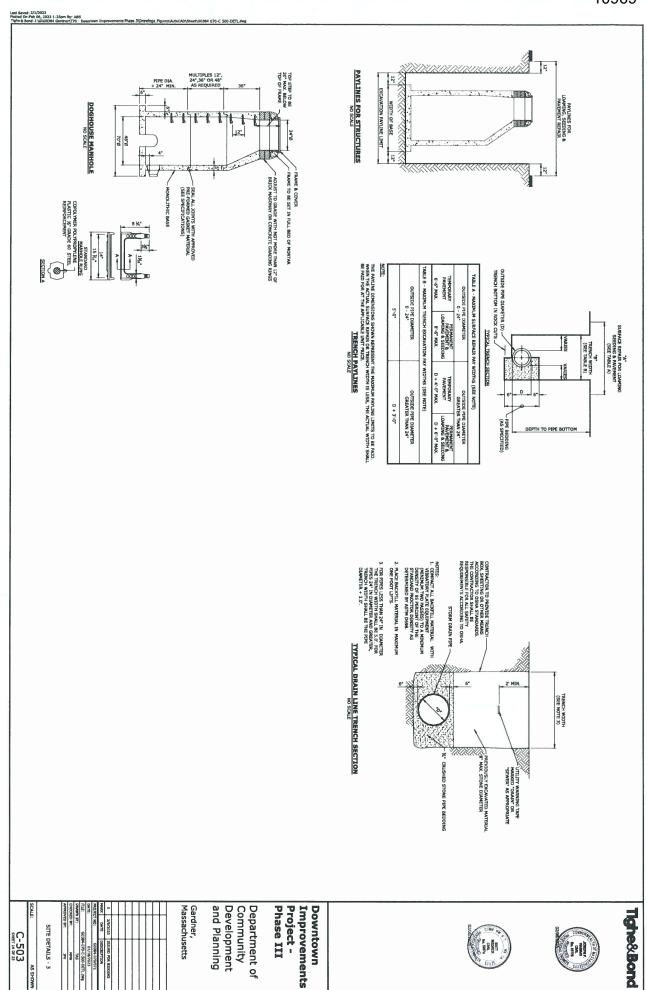


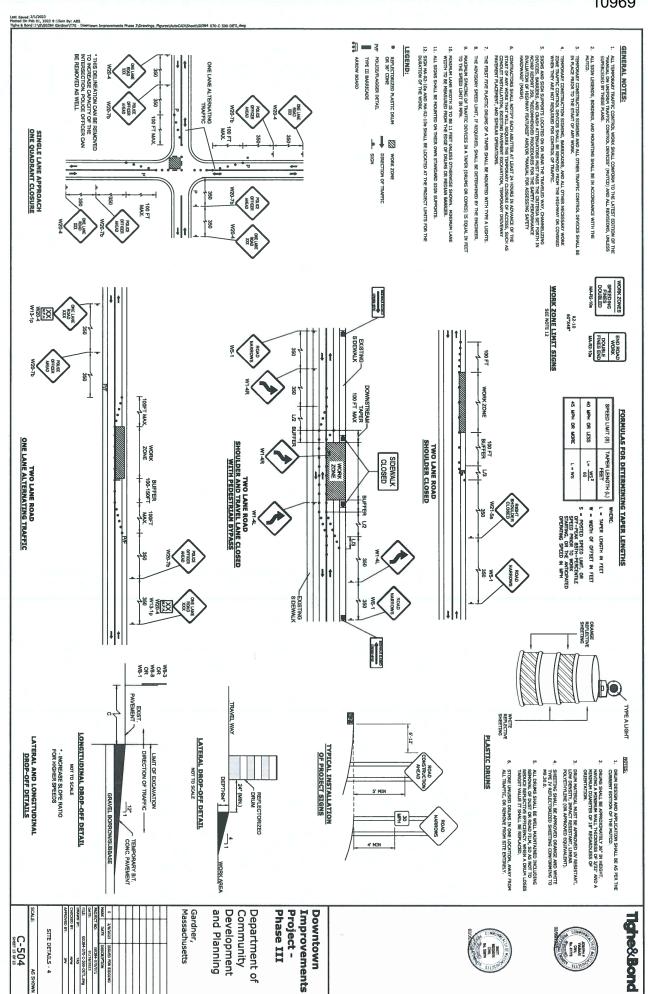


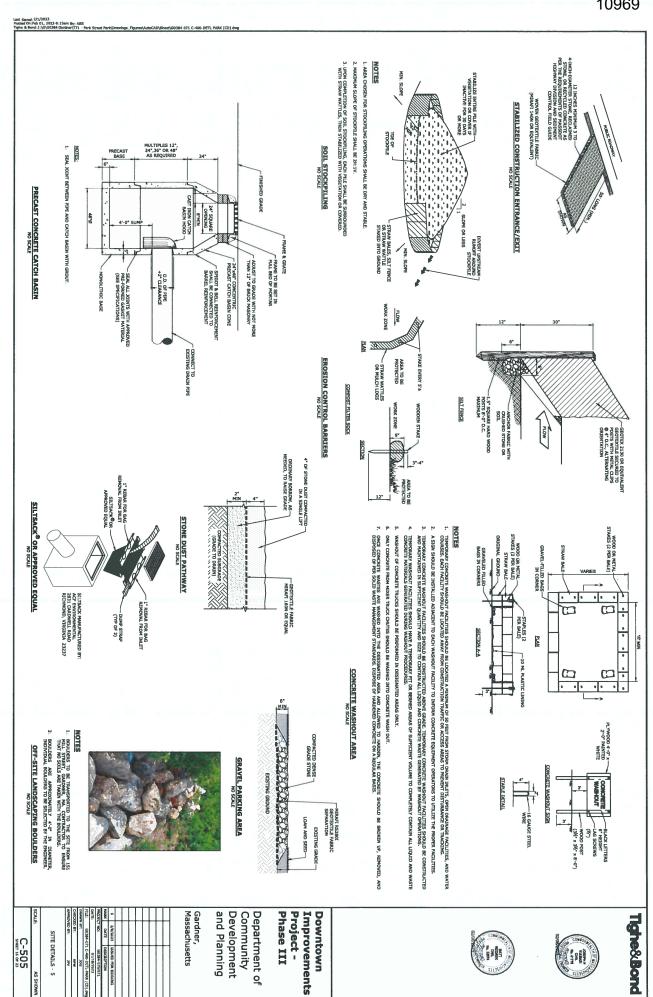


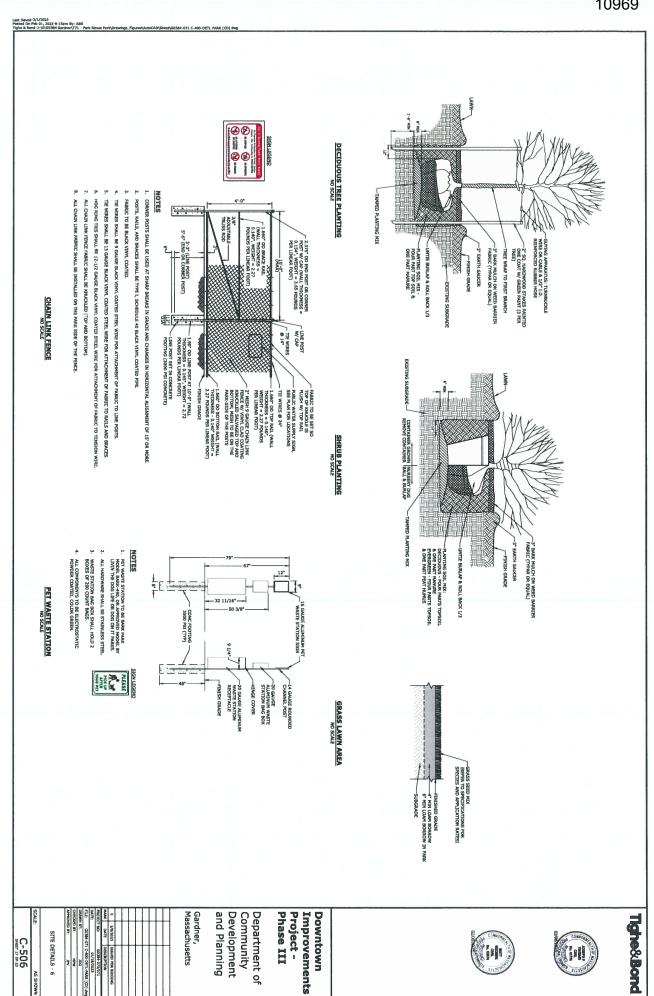


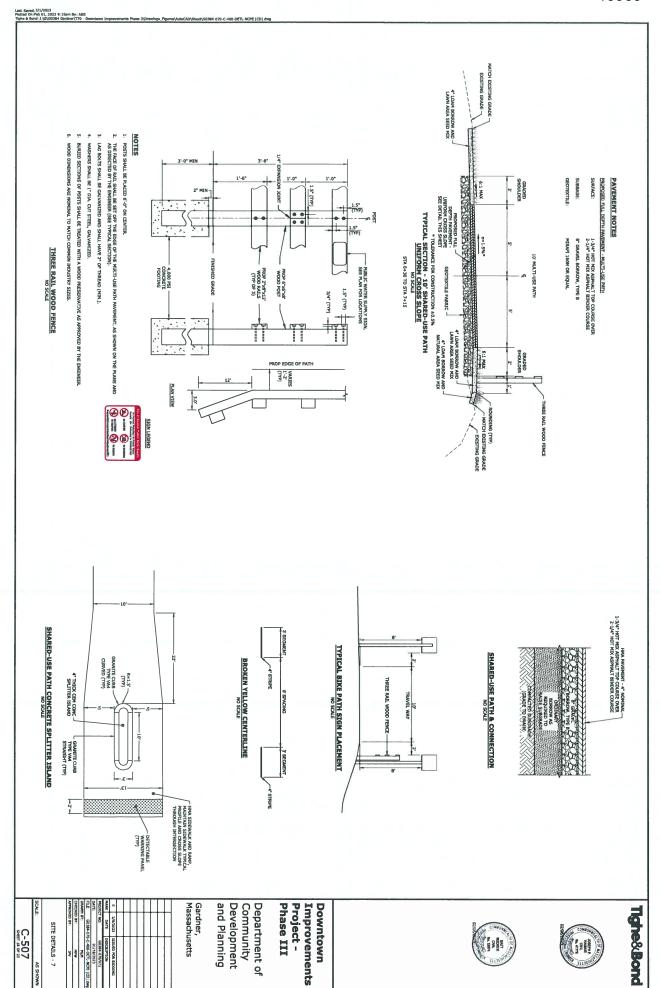


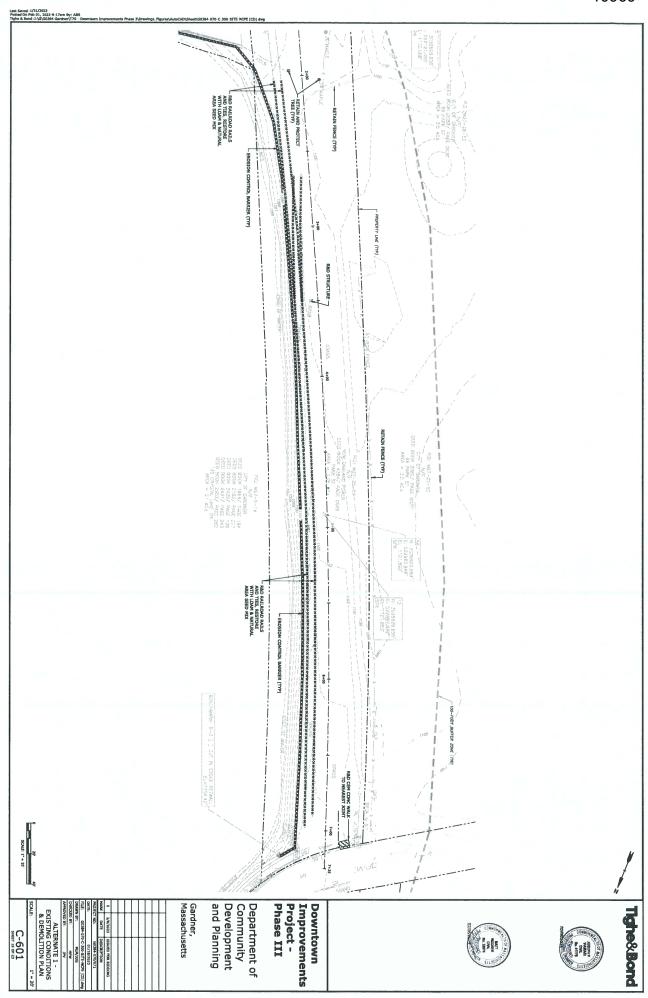


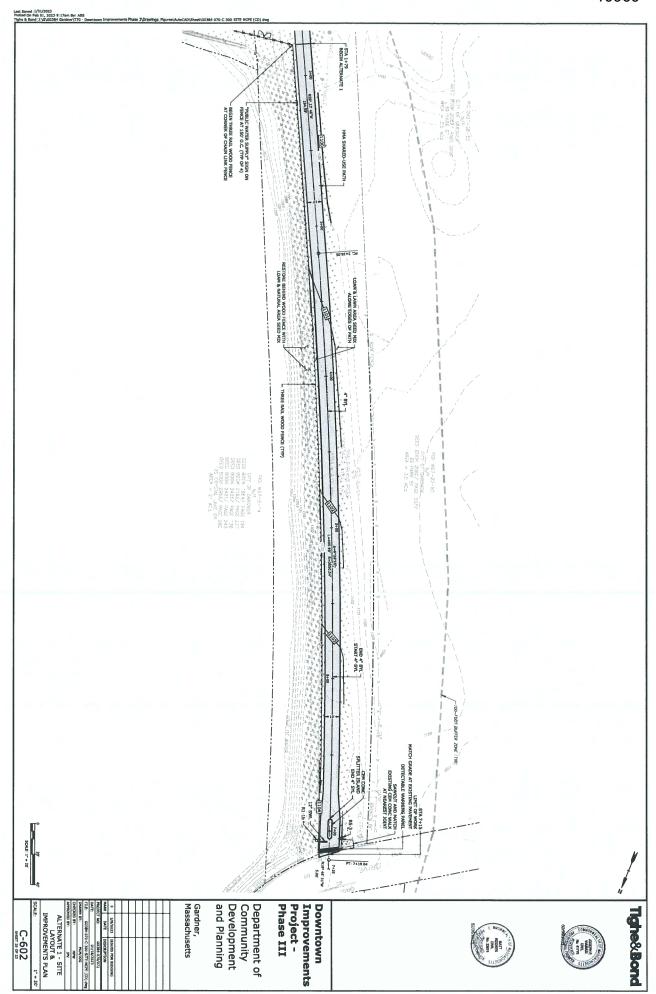


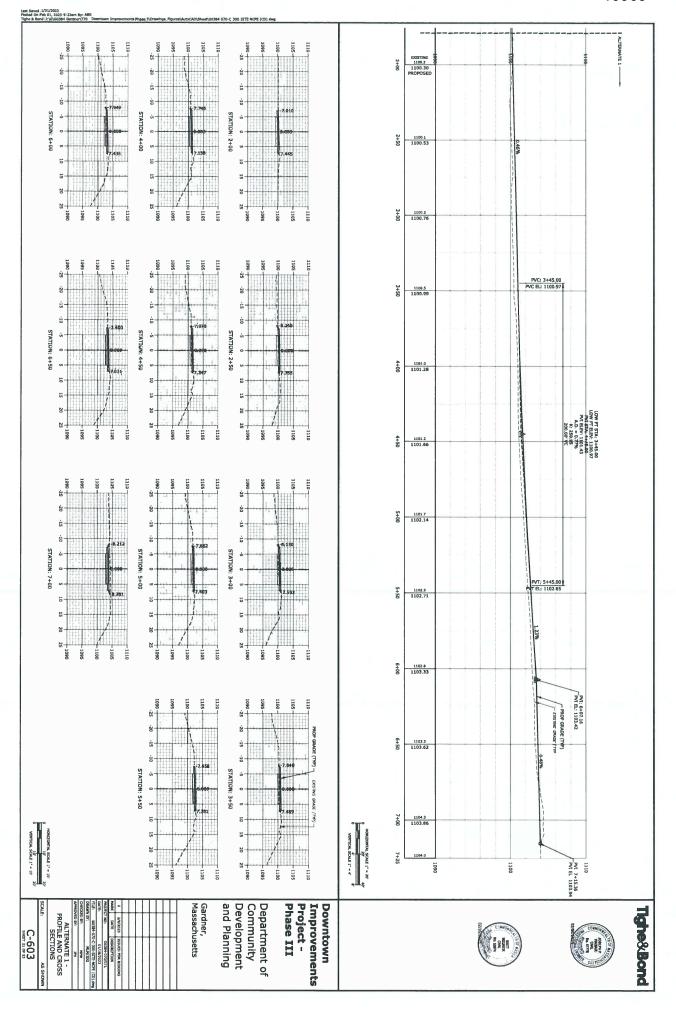








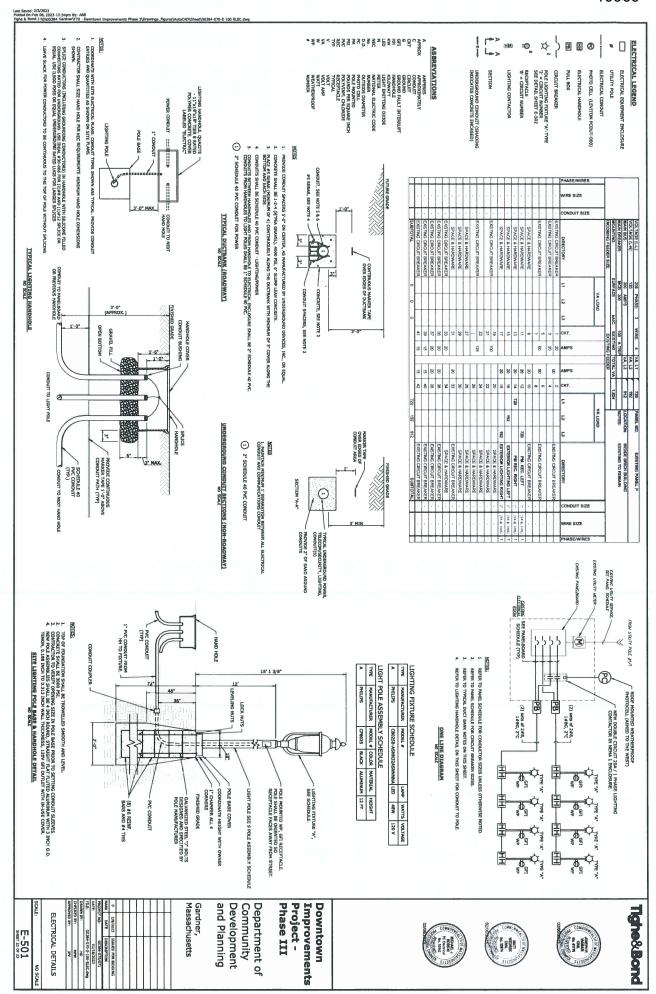




"R" EXISTING DEVICE TO REMAIN ACTIVE AS-IS.

""
EQUIPMENT, STRUCTURES, PIPING AND/OR CONDUIT TO BE DEMOLISHED. NEW EQUIPMENT: S EXISTING LIGHTPOLE "LPL".

(6) EXISTING TO REMAIN ELECTRICAL HANDHOLE. 2) EXISTING TO REMAIN 120/208V SINGLE PHASE 300A 42 POLE PANELBOARD *P*. × EXISTING TO REMAIN UTILITY METER.
 BOUSTING TO REMAIN SERVICE JUNCTION BOX. DEMOLITION LEGEND EXISTING EQUIPMENT: EXISTING TO REMAIN JUNCTION BOX FOR LIGHTING. EGISTING BRACE TO BE REMOVED. EXISTING FEEDER CIRCUITS INCLIDING CONDUITS AND WILLIAG SERVING DEVICES SHALL BE PULLED MACK TO AND DISCONNECTED FROM THE PARE. OF ORIGIN. DEMOLITION PART PLAN
SCALE: 1* - 20' (1) 1" PVC SCH.40 CONDUIT. (TVP) 10T GROUND ROD AT THE BHO OF LIGHTING CIRCLIT (TYPICAL)
 CONCIETE BHOUSEMENT REQUIRED. REFER TO DETAIL ON SHEET E-501
 PROTOSE (A) TH-CHO 1207 15H, 20A CRECIT REBAKER ROM NAME. "P" TO
 PROTOSE (A) TH-CHO 1207 15H, 20A CRECIT REBAKER ROM NAME. "P" TO
 SHEET LIGHTING AND RECEITAGLES. REFER TO PANELBOAND SCHEDULE ON
SHEET E-501. ROVIDE 4* NEWL 38 PULLBOX FOR BRANCH WIRING SERVING SITE LIGHTS AND 120V RECEITACLES, COGRIMATE WALL PRICTIVATIONS AND INTERIOR. CORDUIT ROUTING PAIGN TO ALL WORK, PROVIDE SEALING FOR CONDUIT SLEENES. (6) ROUTE SITE LIGHTS AND 120V RECEPTACLE CIRCUITS IN 3/4" EMT FROM PANEL "P" TO INTERIOR 4" JBOX, LOCATED AT WALL PENETRATION. (1) VICTORIAN LIGHT POLE AND BASE WITH WP/GFI RECEPTACLE. REFER TO DETAIL ON SHEET E-501. (2) COORDINATE EXACT LOCATION OF PHOTOCELL PRIOR TO ALL WORK. GENERAL POWER NOTES CONDUTT. (TYP) 9 6 PROPOSED SITE PLAN
SCALE: 1" = 30" 2. BOLD TEXT AND LINES INDICATE PROPOSED WORK, LIGHT TEXT AND LINES INDICATE APPROXIMATE EDISTING CONDITIONS. FOR SYMBOLS AND ABBREVIATIONS, REFER TO DRAWING E-501. GENERAL SITE NOTES ALL CONCRETE AND TRENCH WORK SHALL BE BY THE GENERAL CONTRACTOR. CONDUIT ROUTING IS DIAGRAMATIC. CONTRACTOR TO FIELD COORDINATE CONDUIT ROUTING WITH ARCHITECT AND EXISTING SITE CONDITIONS PRICK TO ALL WORK. REFER TO SHEET C-201 FOR EXACT LOCATION OF VICTORIAN LIGHTS, POLE AND BASE. REFER TO PROPOSED SITE PLAN FOR EXACT LOCATION AND QUANTITY OF HAND HOLE. ALL EXCAVATION, TRENCHING, BACK FILL AND COMPACTION OF DUCT BANKS, SITE LIGHTING BASE LOCATION, BY THE CONTRACTOR. SITE LIGHTING POLE BASES SHALL BE FURNISHED BY THE ELECTRICAL CONTRACTOR. Development and Planning Gardner, Massachusetts Department of Community Phase III Downtown Improvements Project -ELECTRICAL LAYOUT PLAN Tighe&Bond E-101





Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Workers Compensation Audit Expenses

Dear Madam President and Councilors,

As part of our annual auditing procedures, the City is required to audit our workers compensation claims and payments every two years.

The attached appropriation request is to cover the cost incurred by the audit for FY2021 and FY2022.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner AN ORDER APPROPRIATING FROM FREE CASH TO THE PERSONNEL DEPARTMENT –WORKER COMPENSATION EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Ninety-None Thousand Dollars and No Cents (\$99,000.00) from Free Cash to the Personnel Dept. – Worker Compensation Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Snow and Ice Deficit

Dear Madam President and Councilors,

The Administration has begun the process of closing out the fiscal year and covering any deficits that exist in accounts.

The attached request covers the deficit that exists in the City's snow and ice removal account for operations that took place this winter.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE DPW DEPARTMENT –SNOW & ICE REMOVAL EXPENSES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Seven Hundred One Thousand Seven Hundred Dollars and No Cents (\$701,700.00) from Free Cash to the DPW Department – Snow & Ice Removal Expenses Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Tax Title Services

Dear Madam President and Councilors,

The Administration has made a more concerted effort going after properties on our tax title foreclosure list to get them back on the tax rolls.

However, doing so does create additional legal expenses of getting these properties through the land court.

This free cash appropriation request is to cover the cost of these land court filings that were over what was appropriated in the FY2023 operating budget.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner AN ORDER APPROPRIATING FROM FREE CASH TO THE TREASURER'S DEPARTMENT –PROFESSIONAL SERVICES EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to the Treasurer's Dept. – Professional Services Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Law Department Outside Counsel

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Law Department's outside counsel line item.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE LAW DEPARTMENT – OUTSIDE COUNSEL EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Three Thousand Three Hundred Twelve Dollars and No Cents (\$3,312.00) from Free Cash to the Law Dept. – Outside Counsel Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Law Department Deposition and Discovery

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Law Department's deposition and discovery line item.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE LAW DEPARTMENT – DEPOSITION AND DISCOVERY EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Five Hundred Dollars and No Cents (\$500.00) from Free Cash to the Law Dept. – Deposition and Discovery Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Law Department Professional Development and Travel

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Law Department's professional development and travel line item.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE LAW DEPARTMENT – PROFESSIONAL DEVELOPMENT AND TRAVEL EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Eight Hundred Seventy-Nine Dollars and No Cents (\$879.00) from Free Cash to the Law Dept. – Professional Development and Travel Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Medical Exams

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

It is always hard to determine how many employees will be hired in a given fiscal year. This year, we saw a lot of turn over in the School Department, Department of Public Works, Fire Department and others due to either new opportunities or retirements.

The City Code requires that all new hires undertake a pre-employment medical exam and drug test. The attached appropriation request is to cover the costs of those exams that came in higher than what was appropriated in the operating budget.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE PERSONNEL DEPARTMENT –MEDICAL EXAMS EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Free Cash to the Personnel Dept. –Medical Exam Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Energy and Utilities Prospect St School and Waterford St School

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Mayor's Unclassified Energy and Utilities Account – Prospect Street School and Waterford Street School line item.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE MAYOR'S UNCLASSIFIED –ENERGY AND UTILITIES CITY OWNED PROPERTIES EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) from Free Cash to the Mayor's Unclassified – Energy and Utilities City Owned Properties Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – S. Graves vs City Lawsuit Account

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Mayor's Unclassified S. Graves vs City Lawsuit line item. This is paying for our outside attorneys who are representing the City in a Public Records appeal that Atty Scott J. Graves has filed against the City and the Commonwealth.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE MAYOR'S UNCLASSIFIED – S. GRAVES VS CITY LAWSUIT EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00) from Free Cash to the Mayor's Unclassified – S. Graves vs City Lawsuit Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request- City Hall Repairs and Maintenance

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the City Hall Maintenance Department – Repairs and Maintenance line item.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE CITY HALL REPAIRS & MAINTENANCE EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Free Cash to the City Hall Repairs & Maintenance Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – DPW Street Light account

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Department of Public Works Street Light Expense line item.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner AN ORDER APPROPRIATING FROM FREE CASH TO THE DPW – STREET LIGHTING EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Twenty-Five Thousand Dollars and No Cents (\$25,000.00) from Free Cash to the DPW – Street Lighting Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Pool Filtration System Installation

Dear Madam President and Councilors,

Since the Council first approved funding for the new filtration system at the Greenwood Memorial Outdoor Pool in 2021, the cost of the installation increased severely between the product arrived and when it was installed. The device was ordered in April of 2021 and arrived in October of 2022 for installation.

The attached appropriation request is being put forward to cover the cost incurred for the installation of the filter.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE POOL FILTRATION SYSTEM EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Thirty-Two Thousand Dollars and No Cents (\$32,000.00) from Free Cash to the Pool Filtration System Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request – Zoning Board of Appeals Communications

Dear Madam President and Councilors,

The Administration has begun the process of closing out any deficits that may exist in the current FY2023 operating budget due to unanticipated expenses that were not thought of in June of 2022 when the budget was adopted.

The attached Free Cash Appropriation Request is being submitted to close the existing deficit in the Zoning Department Communications line item.

Respectfully Submitted,

Michael J. Nicholson

AN ORDER APPROPRIATING FROM FREE CASH TO THE ZONING DEPT COMMUNICATIONS EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of One Thousand Ninety One Dollars and No Cents (\$1,091.00) from Free Cash to the Zoning Department Communications Expense Account.



Mayor Michael J. Nicholson

April 26, 2023

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

RE: Free Cash Appropriation Request- New City Hall Copy Machine

Dear Madam President and Councilors,

The current Central Copy Machine in City Hall used by all departments is approximately 10 years old at this point and reaching the end of its useful life.

The attached free cash appropriation request is being put forward to purchase a new copy/scanning machine for the building to replace the current one.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner AN ORDER APPROPRIATING FROM FREE CASH TO THE IT DEPT - NEW EQUIPMENT EXPENSE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Fourteen Thousand Nine Hundred Twenty-Five Dollars and No Cents (\$14,925.00) from Free Cash to the IT Dept. New Equipment Expense Account.

Purchase Pricing PROPOSAL



Presented to GARDNER, CITY OF (INC) By Conn Business Cbs On 4/14/2023

Negotiated Contract: 072791000

ltem	oduct Description	Agree	ement Information	Requested Install Date
1. B8155H2 (XEROX B8155H; - Office Finisher - 2/3 Hole Punch	2)	Purchase Price:	\$14,060.00	4/13/2023
- 2/3 Hole Punch		Customer Ed: Analyst Services:	\$340.00 \$525.00	

Maintenance Pricing

Item	Monthly	Print Charges			Maintenance Plan Features	
Minimum Payment	Meter	Volume Band	Per Print Rate			
1. B8155H2	\$21.00	1: Black and White Impressions	All Prints	\$0.0069	- Term: 12 Months - Consumable Supplies Included for all prints	
Total	\$21.00	Minimum Payments (Excluding Applicable Taxes)				

All information in this proposal is considered confidential and is for the sole use of GARDNER, CITY OF (INC). If you would like to acquire the solution described in this proposal, we would be happy to offer a Xerox order agreement.

Pricing is subject to credit approval and is valid until 5/14/2023.

For any questions, please contact me at (860)667-2900



CITY of GARDNEROffice of the City Auditor

John Richard, City Auditor 95 Pleasant Street, Room 126 Gardner, MA 01440

Phone: 978-632-1900 ext. 8020 • Fax: 978-630-3778

Email: jrichard@gardner-ma.gov

To: City Council

Re: Money Orders for consideration on May 1, 2023

Listed below are balances in various ledger accounts that pertain to Money Order transfers for your consideration.

These balances are as of April 27, 2023:

		woney	
		<u>Order</u>	Balance
Free Cash	10000-35400		\$1,072,954.00
DPW Dept for Snow & Ice Expenditures	14421-52210	\$ 701,700.00	\$371,254.00
Personnel Emp Benenfits for Worker Comp Expenditures	19914-57010	\$ 99,000.00	\$272,254.00
Treasurer Dept for Prof Services Expenditures	11145-52190	\$ 10,000.00	\$262,254.00
Law Dept for Outside Counsel Expenditures	11151-52191	\$ 3,312.00	\$258,942.00
Law Dept for Deposition & Discovery Expenditures	11151-55051	\$ 500.00	\$258,442.00
Law Dept for Prof Dev & Travel Expenditures	11151-52170	\$ 879.00	\$257,563.00
Personnel Dept for Medical Exam Expenditures	11152-52192	\$ 15,000.00	\$242,563.00
Mayor Unclass Dept for Energy & Utilities Expenditures	11199-52110	\$ 45,000.00	\$197,563.00
Mayor Unclass Dept for S. Graves vs City Lawsuit Expenditures	11199-57511	\$ 25,000.00	\$172,563.00
City Hall Maint Dept for Repairs & Maint Expenditures	11192-52030	\$ 10,000.00	\$162,563.00
DPW Dept for Street Lighting Expenditures	14421-52120	\$ 25,000.00	\$137,563.00
Pool Dept for Pool Fitraction System Expenditures	16621-55161	\$ 32,000.00	\$105,563.00
Zoning Dept for Communications Expenditures	11176-52150	\$ 1,091.00	\$104,472.00
IT Dept for New Equipment Expenditures	11155-52050	\$ 14,925.00	\$89,547.00
			\$89,547.00

The Snow & Ice account currently has available (\$701,675.14) 14421-52210

Sincerely

Money

copies: Mayor City Clerk

J ohn Richard City Auditor

John Richard



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 26, 2023

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 306, thereof, entitled "Alcoholic Beverages," to add a new section 5 thereof, entitled, "Marijuana Retail Establishments" to increase the quota allowed and change the method for amending the quota allowed by the Code of the City of Gardner.

Dear Madam President and Councilors,

With the recent submission to the City Council regarding the change in quota for Retail Marijuana Establishments, the conversation was brought up about removing the quota portion form the City's Zoning Code and making the quota portion itself a general ordinance, to allow the City to adjust the number as the market may change without having to go through the full zoning amendment process.

The attached ordinance would add a section to the City's current alcoholic beverage operation chapter to govern both marijuana quotas aside from alcoholic beverage consumption, while still keeping the core sections of the City's current marijuana ordinance in the zoning code.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 306 THEREOF, ENTITLED "ALCOHOLIC BEVERAGES," TO ADD A NEW SECTION 5 THEREOF, ENTITLED, "MARIJUANA RETAIL ESTABLISHMENTS" TO INCREASE THE QUOTA ALLOWED AND CHANGE THE METHOD FOR AMENDING THE QUOTA ALLOWED BY THE CODE OF THE CITY OF GARDNER.

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

SECTION 1: That the Title of Chapter 306 of the Code of the City of Gardner shall be amended to state as follows:

Chapter 306. Alcoholic Beverages and Marijuana

SECTION 2: That the Chapter 306 of the of the Code of the City of Gardner shall be amended by adding a new Article II, entitled "Marijuana Establishments", and a new Section 5, entitled "Number of Allowed Marijuana Retail Establishments", immediately after the existing Section 4 of Chapter 306, as follows:

Article II. Marijuana Establishments

§306-5. Number of Allowed Marijuana Retail Establishments. The number of marijuana retail establishments shall not exceed 35% of liquor licenses issued in the City of Gardner for retail sale of alcoholic beverages not to be drunk on the premises where sold, said number to be rounded up to the next whole number.

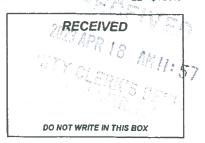
SECTION 3: That this ordinance take effect upon passage and publication as required by law.

COLLECTOR LICENSE APPLICATION FEE - \$30.00 DEALER LICENSE APPLICATION FEE - \$100.00



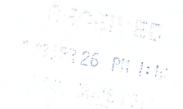
CITY OF GARDNERMASSACHUSETTS 01440

95 PLEASANT STREET - ROOM 121 TELEPHONE (978) 630-4058 FACSIMILE (978) 630-2589



APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES
☐ New ☐ Renewal ☐ Change of Location
APPLICANT INFORMATION
Applicant / Licensee Name: ECOATM LLC
Applicant / Licensee Address: (MAILING) 10121 BARNES CANYON RD, SAN DIEGO, CA 921
Applicant / Licensee phone number(s): 858-766-7250
Applicant / Licensee E-mail: SEAN.FLAHERTY@ECOATM.COM
Social Security number: OR Business FID number _26-3879952
ESTABLISHMENT INFORMATION
Establishment Name: _ECOATM LLC
Establishment address (Current): 677 Timpany Blvd, Gardner, MA 01440 (inside Walmart2155
Establishment address (New, if applicable):
Establishment Phone: 858-766-7250
On-Site manager / contact person: SEAN FLAHERTY
For which type of license(s) are you applying? <u>SECONDHAND DEALER</u>
Check all that apply to this Application:
SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.
SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.
What types of articles will be purchased, stored, and/or sold? SELF-SERVE, AUTOMATED KIOSK THAT BUYS USED ELECTRONICS. NO EMPLOYEES AT KIOSK. NO SALES.
Where at the licensed address will the articles be stored, displayed, etc?
Massachusetts Sales & Use Tax Registration number: N/A (Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)





April 19, 2023

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

RE: Submission of Zoning Amendment Proposal- An Ordinance to Amend The Code Of The City Of Gardner, Chapter 675 Thereof, Entitled "Zoning," add "Sports Betting" to the Zoning Table of Uses.

Dear Madam President and Colleagues,

At the April 18th, 2023 Meeting of the City Council, we voted to grant the Mayor Leave to withdraw Item 10892 due to concerns regarding the process outlined in Chapter 40A, Section 5 of the General Laws.

We believe this proposal to have been in the best interest of the City of Gardner, as a way to build our economic base, provide for our residents, and plan for our future. We cannot stay stagnant as a City and must continue to do everything we can to better Gardner for ourselves and future generations of Gardnerites – which is what we believe this original proposal provided for the City.

Whereas Section 5 of Chapter 40A of the General Laws states that the City Council may initiate Zoning Amendments, we, as City Councilors, working in the best interest of the City and our Constituents, propose this ordinance and request that the City Council refer this Item to the Planning Board and schedule a joint public hearing.

We have attached the relevant section of the General Laws and the original proposal submitted by Mayor Nicholson that was formally withdrawn and removed by the City Council to this correspondence for supporting materials.

Ward 3 Councilor

Respectfully submitted,

Dana Heath

Ward 2 Councilor

Karen Hardern

Ward 4 Councilor

George Tyros

Councilor At-Large

James Boone

Councilor At-Large

Ordinance Document

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD "SPORTS BETTING" TO THE ZONING TABLE OF USES.

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

SECTION 1: That Section 210(B) of Chapter 675, entitled "Word Usage and Definitions," be amended by adding the following definition to its list:

Sports Betting Facility – A lot or structure operated by an entity licensed as a Sports Wagering Operator or Qualified Gaming Entity by the Massachusetts Gaming Commission under the provisions of M.G.L. c. 23N and 23K, as the same may be amended from time to time, to conduct sporting and sports wagering events, subject to and operated in accordance with the restrictions of such license. Sports Betting Facilities may be indoor or outdoor facilities.

SECTION 2: That Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be amended by adding a new Section 54(a) immediately following Section 54, entitled "Sports Betting Facility" with the zoning district designations as follows:

Description of Use	SFR1	RR2	GR3	COM1	COM2	IND1	IND2
54a. Sports Betting Facility, provided that any structure is so insulated and maintained as to confine noise to the premises, and is located not less than 100 feet from a residential district, excepting any access driveway.	NP	NP	NP	SPPB	SPPB	SPPB	NP

SECTION 3: This this ordinance take effect upon passage and publication as required by law.

Chapter 40A Section 5 Of the General Laws

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 40A ZONING

Section 5 ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS;

PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to

the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

10972

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of

all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
- (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;
- (3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

[Clause (4) of the fifth paragraph effective until July 29, 2021. For text effective July 29, 2021, see below.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

[Clause (4) of the fifth paragraph as amended by 2021, 29, Sec. 11 effective July 29, 2021. For text effective until July 29, 2021, see above.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.

[Two paragraphs following the fifth paragraph added by 2021, 29, Sec. 12 effective July 29, 2021.]

Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote.

If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action

10972

unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such

claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

Correspondence from Mayor Nicholson
Withdrawn by City
Council on April 18,
2023

10892 - An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to add "Sports Betting" to the Zoning Table of Uses.

On a motion made by Councillor Aleksander Dernalowicz, seconded by Councillor George Tyros, it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh to APPROVE the Mayor's request to *leave to withdraw*.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD "SPORTS BETTING" TO THE ZONING TABLE OF USES.

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

SECTION 1: That Section 210(B) of Chapter 675, entitled "Word Usage and Definitions," be amended by adding the following definition to its list:

Sports Betting Facility – An entity licensed by the Massachusetts Gaming Commission under the provisions of Chapter 173 of the Acts of 2022 of the General Laws to conduct sporting and wagering events.

SECTION 2: That Section 54 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

54. Indoor amusement, fitness, or recreational place or place of assembly, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district, or a sports betting facility.

<u>SECTION 2:</u> That Section 56 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

56. Public or commercial outdoor amusement or recreation use, or a sports betting facility, but not including outdoor drive-in movie theater.

SECTION 3: This this ordinance take effect upon passage and publication as required by law.

ATRUE COPY, ATTEST: Tite Surpher

CITY CLERK, CITY OF GARDNER

In City Council

February 21, 2023

Vote Passed

April 18, 2023
9 yeas, 0 nays.

10892



City of Gardner - Executive Department

Mayor Michael J. Nicholson

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April 14, 2023

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

RE: Request for Leave to Withdraw – Item 10892

Dear Madam President and Councilors,

As a means to make sure all proper procedures were followed as laid out by the General Laws for Zoning Amendments to the City Ordinances and to allow for a greater amount of time for public dialogue and input on the aforementioned matter, I respectfully request leave to withdraw Item 10892 from the Council Calendar, with the intent that this later be put forward again for consideration following the procedures outlined in the General laws of the Commonwealth.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

10892

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



April 13, 2023

President Elizabeth J. Kazinskas c/o Titi Siriphan, City Clerk City Hall Gardner, MA 01440

Subject:

#10892 Final Report – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning" to add "Sports Betting" to the Zoning Table of Uses.

Dear President Kazinskas:

At the Planning Board meeting held on Tuesday, April 11, 2023, the Planning Board voted unanimously (5-0) to recommend approving the proposed zoning amendment referenced above based on the information provided to them by the petitioner.

If the proposed amendment is approved, the Planning Board recommends the rewording of number 54 to read:

Indoor amusement, fitness, recreational place, place of assembly, or a sports betting facility, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district.

In addition, due to the potential significant scope and complexity of such a project if implemented under this proposed zoning amendment, the Board recommends changing the use table for number 54 from permitted by right (P) to Special Permit Planning Board (SPPB) for Commercial 1 and Commercial 2 zones; and number 56 from permitted by right (P) to Special Permit Planning Board (SPPB) for Commercial 2 and Industrial 1 zones.

Please feel free to contact Trevor Beauregard, Director of Community Development and Planning, if you have any questions or need additional information regarding this matter.

Sincerely,

Mark M. Schafron

Chairman

cc: Mayor Michael J. Nicholson

Trevor M. Beauregard, Director

Markell Schafen

Richard Hanks, Interim Building Commissioner

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440 *Telephone:* (978) 630-4011 \$\display Facsimile: (978) 632-1905 \$\display CDBG (978) 632-3800

Item 10892

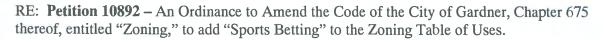
Withdrawn by the City Council - 4/18/2023

10892

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING March 30, 2023

Elizabeth Kazinskas, Council President C/o Titi Sirphan, City Clerk 95 Pleasant Street, Room 121 Gardner, MA 01440



Dear President Kazinskas:

At its meeting on March 22, 2023, the Planning Board voted unanimously, 5-0, to recommend approving the proposed zoning amendment referenced above based on the information provided to them by the petitioner.

If the proposed amendment is approved, the Planning Board recommends the rewording of number 54 to read:

Indoor amusement, fitness, recreational place, place of assembly, or a sports betting facility, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district.

In addition, due to the potential significant scope and complexity of such a project if implemented under this proposed zoning amendment, the Board recommends changing the use table for number 54 from permitted by right (P) to Special Permit Planning Board (SPPB) for Commercial 1 and Commercial 2 zones; and number 56 from permitted by right (P) to Special Permit Planning Board (SPPB) for Commercial 2 and Industrial 1 zones.

The Planning Board looks forward to joining the City Council at the joint public hearing scheduled on Monday, April 3, 2023, at 6:30 p.m. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

Maybell Selsten

C: Mayor Michael J. Nicholson
Trevor M. Beauregard, Director
Richard Hanks, Interim Building Commissioner

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440 *Telephone:* (978) 630-4011 \$\rightarrow\$ Facsimile: (978) 632-1905 \$\rightarrow\$ CDBG (978) 632-3800

10892



City of Gardner - Executive Department

Mayor Michael J. Nicholson



March 29, 2023

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

RE: Item #: 10892 - Planning Board Follow Up

Dear Madam President and Councilors,

At the Planning Board Meeting of March 22, 2023, the Planning Board recommended changing the proposal from a permitted use ("P") in the table to a use requiring a special permit ("SP").

The Administration is more than acceptable to this proposal and would be amenable to it being made.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

10892



City of Gardner - Executive Department

Mayor Michael J. Nicholson

RECEIVED

STY CLERES DEFIC

March 15, 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: Joint Public Hearing Written Testimony – Item #10892: An Ordinance to Amend the Code of the City of Gardner, Chapter 675, thereof entitled "Zoning," to add "Sports Betting" to the Zoning Table of Uses

Dear Madam President and Councilors,

I am writing in favor of the Administration's proposed Zoning Amendment to add the term "Sports Betting," to line items 54 and 56 the Zoning Table of Uses.

In May of 2018, the United States Supreme Court stuck down the federal Professional and Amateur Sports Protection Act ("PASPA")¹, also known as the Bradley Act, as unconstitutional in their ruling of *Murphy v. National Collegiate Athletic Association* ². This federal statue had effectively outlawed sports betting nationwide, except for a few excluded states. The Supreme Court had ruled this act as unconstitutional, thus paving the way for several states to legalize sports betting.

In August of 2023, former Governor Charlie Baker signed House Bill 5164 into law, legalizing online, retail, and kiosk sports betting in the Commonwealth for residents ages 21 and older. Retail sports betting went live on January 31, 2023, and online sports betting launched on March 10, 2023. Kiosk sports betting will go live later this year.

There are currently three (3) approved retail sites and ten (10) approved mobile betting applications. When kiosk sports betting goes live later this year, they will be allowed across the Commonwealth in locations that follow a specific procedure as outlined by the new law.

The Supreme Court of the United States has ruled on several occasions, that under the First Amendment of the Constitution, a municipality cannot outright ban a particular industry or business from opening within its borders, but can limit where these businesses are located.

Since the City cannot bar this type of business from opening in Gardner, and since this type of activity is not currently listed in the City's Zoning Table of Uses, it leaves the City open to

¹ 28 U.S.C. ch.178 §3701 et seq.

² Murphy v. NCAA, 138 S.Ct. 1461 (2018).

liability of not being able to control whether these types of facility are located in largely residential neighborhoods or in areas in the City that may not be suited for this type of activity.

As such, it is the request of my Administration that this use by added to the City Code's Zoning table of uses under Line 54: Indoor Amusement, and Line 56: Outdoor Amusement, as these items fit the closest to the realm of sports betting.

This amendment to the Zoning Table of Uses, does not waive the other requirements these locations would have to go through should any sports betting facility open in Gardner in the future.

Per the requirements of the sports betting enabling legislation, any sports betting facility would have to enter into a Host Community Agreement ("HCA") similar to cannabis facilities in the Commonwealth. The Expanded Gaming Act requires that all applicants for sports betting licenses must first submit to the Massachusetts Gaming commission:

"a signed agreement between the host community and the applicant setting forth the conditions to have a gaming establishment located within the host community; provided, however, that the agreement shall include a community impact fee for the host community and all stipulations of responsibilities between the host community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment."

Additionally, after the HCA is approved by the City Council and signed by the Mayor, the City Council must then annually vote to allow the proposed establishment to operate a sports betting facility within the City at its location.

Lastly, before any facility should open, they must also go through the regular requirements for site plan approval and Development Review Committee vetting, both listed in Chapter §675-1010 of the City Code.

As such, this action to add this type of use to the Zoning Ordinances still requires this type of industry to be heavily regulated and vetted by the City by both branches of its government and its boards and commissions.

This action is simply being put forward to protect the City in the long run and pre-plan should one of these facilities come to Gardner rather than waiting and reacting if this should ever come up.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner Item 10892 Withdrawn by the City Council - 4/18/2023

10892



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

CITY OF GARDNER NOTICE OF JOINT PUBLIC HEARING, continued

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday**, **April 3**, **2023** at **6:30 P.M**. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

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

Information regarding this amendment is available for viewing in the City Clerk's Office, the Department of Community Development and Planning (DCDP), or on the City's webpage – www.gardner-ma.gov.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

Jiti Siriphan
City Clerk

Item 10892 Withdrawn by the City Council - 4/18/2023₀₈₉₂



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

CITY OF GARDNER NOTICE OF JOINT PUBLIC HEARING

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday**, **March 20**, **2023** at **6:30 P.M**. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

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

Information regarding this amendment is available for viewing in the City Clerk's Office, the Department of Community Development and Planning (DCDP), or on the City's webpage – www.gardner-ma.gov.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

Jiti Siriphan
City Clerk

10892



City of Gardner - Executive Department

Mayor Michael J. Nicholson

February 3, 2023

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

RE: Zoning Ordinance Proposal- Sports Betting Facilities

Dear Madam President and Councilors,

As you are likely aware, on August 10, 2022, former Governor Charlie Baker signed Chapter 173 of the Acts of 2022 into law, legalizing sports betting in the Commonwealth.

This new addition to the General Laws, some parts of which have already taken effect while others will within the next few months, allows for the opening of new facilities across the Commonwealth where individuals can gamble and place wagers on sporting games.

Currently, these types of facilities are not governed by our zoning ordinance, as they were not allowed prior to the passage of this act. The attached ordinance proposal is being presented to help protect the City so that we can regulate where facilities like this can go and make sure that in the event that a facility like this looks to open in Gardner, it locates in a location that fits this use rather than in a largely residential area that could cause disruptions to a neighborhood.

I believe it is in the best interest of the City to be proactive in this matter in order to make sure the City has the tools in place before any situations may arise.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner

City Council Public Welfare Committee

Planning Board

CC:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO ADD "SPORTS BETTING" TO THE ZONING TABLE OF USES.

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

<u>SECTION 1:</u> That Section 210(B) of Chapter 675, entitled "Word Usage and Definitions," be amended by adding the following definition to its list:

Sports Betting Facility – An entity licensed by the Massachusetts Gaming Commission under the provisions of Chapter 173 of the Acts of 2022 of the General Laws to conduct sporting and wagering events.

SECTION 2: That Section 54 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

54. Indoor amusement, fitness, or recreational place or place of assembly, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district, or a sports betting facility.

SECTION 2: That Section 56 of Attachment 1 of Chapter 675 of the Code of the City of Gardner, entitled "Zoning- Table of Uses," be adding the term "Sports Betting Facility" to the description of use as follows:

56. Public or commercial outdoor amusement or recreation use, or a sports betting facility, but not including outdoor drive-in movie theater.

SECTION 3: This this ordinance take effect upon passage and publication as required by law.

Withdrawn by the City Council - 4/18/2023

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CITY OF GARDNER POLICE DEPARTMENT

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



Eric P. McAvene Chief of Police

Nicholas P. Maroni Deputy Chief of Police

February 3, 2023

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

Re: Sports Betting Zoning Ordinance

Dear Mayor,

I have reviewed the proposed addition of the new Sports Betting Ordinance and do not see any issues from the police department. Any proposed facility should have a buffer between any residential zone and this ordinance reflects the new law.

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

Very truly yours,

Eric P. McAvene Chief of Police

Withdrawn by the City Council - 4/18/2023 City of Gardner

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Department of Inspectional Services 115 Pleasant Street, Room 101 Gardner, MA 01440

Tel. (978) 630-4007 Fax: (978) 632-3313

Feb. 7, 2023

RE: Text Amendment

Dear Mr. Mayor,

Please accept this letter as my full support for your proposed text amendment to our Zoning Ordinance regarding sports betting. I believe when new laws are enacted at a state level that a municipalities Zoning must change to reflect the new law, or be forced to react to a potential problem.

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

Roland Jean

Building Commissioner/Zoning Enforcement Officer

City Hall Annex

115 Pleasant St. RM 101

Gardner, MA 01440

(978) 630 4007

rjean@gardner-ma.gov

Cummt Onlinence

	Des	Description of Use	SFR1	RR2	GR3	COMI	COM2	INDI	IND2
	49.	Restaurant	NP	SP	₽	۵,	۵.	-	ď
	20.	Restaurant, fast-food, including appurtenant structures to provide drive-through or drive-in services	ΝΡ	a N	Ž	SP	SP	ď	ďΖ
	51.	Restaurant serving food or beverages with live or mechanical entertainment	NP	SP	È	SP	ط	d'X	M
	52.	Wholesale office or showroom, with storage limited to floor samples only	NP	ê X	<u>R</u>	Ь	Д	Ы	Ч
	53.	Wholesale office or showroom with storage permitted on property	AN.	AN M	È	SP	۵	۵	ط
	54.	Indoor amusement, fitness, or recreational place or place of assembly, provided that the	N	NP P	N	ط	4	NP	ď
1		building is so insulated and maintained as to confine noise to the premises and is located not less than 100 feet from a residential district							* *
·	55.	Outdoor commercial clubs and/or recreational establishments or use such as swimming pools, tennis courts, ski clubs, camping areas, skating rinks or other commercial facilities offering outdoor recreation	ďX	SP	ď	<u>a</u>	۵,	ď	a N
\	56.	Public or commercial outdoor amusement or recreation use but not including outdoor drive-in movie theater	ďN	ďN	dN	ď.	e,	<u>a</u>	az
	57.	Bus station or terminal or railroad station for passengers	NP	ď	đž	<u>a</u>	۵.	۵,	NP PM
	58.	Transport terminal, warehouse distribution facility	ΝΡ	ď	₽ E	Ż	È	Д	Д
7,	59.	Contracting business and contractor's yard, including storage in the open'	NP	NP	È	È	SP	۵.	NP

Supp 6, Jun 2019

675 Attachment 1:4

HOUSE No. 5164

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2862) of the House Bill regulating sports wagering (House, No. 3993), reports recommending passage of the accompanying bill (House, No. 5164). August 1, 2022.

Jerald A. Parisella	Michael J. Rodrigues
Aaron Michlewitz	Eric P. Lesser
David K. Muradian	Patrick M. O'Connor

FILED ON: 8/1/2022

HOUSE No. 5164

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act regulating sports wagering.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking
 out clause Tenth, as appearing in the 2020 Official Edition, and inserting in place thereof the
 following clause:-
- 4 Tenth, "Illegal gaming", a banking or percentage game played with cards, dice, tiles, 5 dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the 6 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted 7 under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering 8 on horse races under chapters 128A and 128C and greyhound races under said chapter 128C; (v) 9 a game of bingo conducted under chapter 271; (vi) charitable gaming conducted under said 10 chapter 271; and (vii) a fantasy contest conducted under section $11MV_2$. 11
- SECTION 2. Section 7 of chapter 4 of the General Laws is hereby amended by striking out clause Tenth, as inserted by section 1, and inserting in place thereof the following clause:-

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14	Tenth, "Illegal gaming", a banking or percentage game played with cards, dice, tiles,
15	dominoes, or an electronic, electrical or mechanical device or machine for money, property,
16	checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the
17	state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted
18	under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering
19	on horse races under chapters 128A and 128C; (v) a game of bingo conducted under chapter 271;
20	and (vi) charitable gaming conducted under said chapter 271.
21 22	SECTION 3. Chapter 12 of the General Laws is hereby amended by inserting after section 11M the following section:-
23	Continue 113 ft/ NT. a 11 a 11 a 12 a 14 a 14 a 15 a 16
	Section 11M½. Notwithstanding sections 24, 24A and 27 of chapter 10, chapter 271 or
24	any other general or special law to the contrary, a person or entity that offers fantasy contests for
25	a cash prize to members of the public may offer a fantasy contest to residents of the
26	commonwealth pursuant to and in accordance with regulations promulgated by the attorney
27	general; provided further, for the purposes of section 7 of chapter 4, a fantasy contest shall not be
28	considered illegal gaming. "Fantasy contest" includes any fantasy or simulated game or contest,
29	including, but not limited to, any fantasy or simulated game or contest based on professional
30	sports events in which: (i) the value of all prizes and awards offered to winning participants are
31	established and made known to the participants in advance of the contest; (ii) all winning
32	outcomes reflect the relative knowledge and skill of the participants and shall be determined
33	predominantly by accumulated statistical results of the performance of individuals, including
34	athletes in the case of sports events; and (iii) no winning outcome is based on the score, point
35	spread, or any performance or performances of any single actual team or combination of such

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36	teams or solely on any single performance of an individual athlete or player in any single actual
37	event.
38	SECTION 4. Section 4 of chapter 23K of the General Laws, as appearing in the 2020
39	Official Edition, is hereby amended by inserting the following subsection:-
40	(42) regulate and enforce chapter 23N relating to sports wagering.
41	SECTION 5. The General Laws are hereby amended by inserting after chapter 23M the
42	following chapter:-
43	CHAPTER 23N
44	AUTHORIZATION AND REGULATION OF SPORTS WAGERING
45	Section 1. This chapter shall be known and may be cited as the "Massachusetts Sports
46	Wagering Act".
47	Section 2. Notwithstanding any general or special law to the contrary, the operation of
48	sports wagering and ancillary activities shall be lawful when conducted in accordance with this
49	chapter and the rules and regulations of the commission.
50	Section 3. As used in this chapter the following words shall, unless the context clearly
51	requires otherwise, have the following meanings:
52	"Adjusted gross fantasy wagering receipts", the total gross receipts from fantasy contests
53	as defined in section I1M1/2 of chapter 12, less only the total of all cash prizes paid to
54	participants in the fantasy contests; provided, however, that the total of all cash prizes paid to

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55	participants shall not include the cash equivalent of any merchandise or thing of value awarded
56	as a prize.
57	"Adjusted gross sports wagering receipts", the total gross receipts from sports wagering
58	less the sum of: (i) the total of all winnings paid to participants; and (ii) all excise taxes paid
59	pursuant to federal law; provided, however, that the total of all winnings paid to participants
60	shall not include the cash equivalent of any merchandise or thing of value awarded as a prize.
61	"Affiliate", a person who directly or indirectly controls, or is controlled by, or is under
62	common control with, a specified person.
63	"Applicant", a person who has applied for a license to engage in activity regulated under
64	this chapter.
65	"Breaks", the odd cents over any multiple of 10 cents of winnings per \$1 wagered.
66	"Category 1 license", a license issued by the commission that permits the operation of
67	sports wagering in person at a gaming establishment, as defined in section 2 of chapter 23K, and
68	through not more than 2 individually-branded mobile applications or other digital platforms
69	approved by the commission; provided, that the mobile applications or other digital platforms
70	shall be qualified for and issued a category 3 license.
71	"Category 2 license", a license issued by the commission that permits the operation of
72	sports wagering in-person on the premises where either: (1) live horse racing is conducted in
73	accordance with chapter 128A or (2) the licensee is authorized by law to conduct simulcast
74	wagering on horse or greyhound racing, and through not more than 1 individually branded
75	mobile application or other digital platform approved by the commission; provided, that the

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76	mobile applications or other digital platforms shall be qualified for and issued a category 3
77	license; provided further, that the commission may issue a category 2 license to: (1) a person or
78	entity licensed by the commission in accordance with said chapter 128A to conduct a live horse
79	racing meeting, (2) a running horse racing licensee that conducted simulcast wagering as of
80	December 31, 2020 as authorized by law, or (3) a greyhound meeting licensee that conducted
81	simulcast wagering as of December 31, 2020 as authorized by law; provided further, a category 2
82	licensee shall make a capital investment of not less than \$7,500,000 within 3 years after
83	receiving a sports wagering license.
84	"Category 3 license", a license issued by the commission that permits the operation of
85	sports wagering through a mobile application and other digital platforms approved by the
86	commission.
87	"Close associate", a person who holds a relevant financial interest in, or is entitled to
88	exercise power in, the business of an applicant or licensee and, by virtue of that interest or
89	power, is able to exercise a significant influence over the management or operation of a gaming
90	establishment or business licensed under this chapter.
91	
	"Collegiate sport or athletic event", a sport or athletic event offered or sponsored by, or
92	"Collegiate sport or athletic event", a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond
92 93	
	played in connection with, a public or private institution that offers educational services beyond
93	played in connection with, a public or private institution that offers educational services beyond the secondary level.
93 94	played in connection with, a public or private institution that offers educational services beyond the secondary level. "Collegiate tournament", a series of collegiate sports or athletic events involving four or

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98	"Electronic sports", a single or multiplayer video game played competitively for
99	spectators.
100	"Governmental authority", any governmental unit of a national, state or local body
101	exercising governmental functions, except the United States government.
102	"License", any license applied for or issued by the commission under this chapter,
103	including, but not limited to: (i) an operator license or (ii) an occupational license.
104	"National criminal history background check", a criminal history background check
105	conducted using the criminal history record system maintained by the Federal Bureau of
106	Investigation and based on fingerprint identification or any other method of positive
107	identification.
108	"Occupational license", a license required to be held by an employee of an operator when
109	the employee performs duties directly related to the operation of sports wagering in the
110	commonwealth in a supervisory role.
111	"Official league data", statistics, results, outcomes and other data relating to a sporting
112	event that is obtained pursuant to an agreement with the relevant sports governing body, or with
113	an entity expressly authorized by the relevant sports governing body to provide such data to
114	sports wagering operators, which authorizes the use of such data for determining the outcome of
115	tier 2 sports wagers on such sporting event.
116	"Operator" or "sports wagering operator", any entity permitted under this chapter to offer
117	sports wagering to persons in the commonwealth through a category 1 license, category 2 license
118	or category 3 license.

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119	"Operator license", a category 1 license, category 2 license or category 3 license to
120	operate sports wagering.
121	"Person", an individual, corporation, association, operation, firm, partnership, trust or
122	other form of business association.
123	"Personal biometric data", any information about an athlete that is derived from that
124	athlete's physical or physiological characteristics, including, but not limited to, deoxyribonucleic
125	acid, heart rate, blood pressure, perspiration rate, internal or external body temperature, hormone
126	levels, glucose levels, hydration levels, vitamin levels, bone density, muscle density or sleep
127	patterns.
128	"Players association", a professional sports association recognized by a sports governing
129	body that represents professional athletes.
130	"Professional sport or athletic event", an event at which 2 or more persons participate in a
131	sport or athletic event and receive compensation in excess of actual expenses for their
132	participation in such event.
133	"Promotional gaming credit", a sports wagering credit or other item issued by an operator
134	to a patron to enable the placement of a sports wager.
135	"Qualified gaming entity", an entity that: (i) holds a gaming license as defined in section
136	2 of chapter 23K; (ii) (a) is licensed by the commission in accordance with chapter 128A to
137	conduct a live horse racing meeting, (b) is a running horse racing licensee that conducted
138	simulcast wagering as of December 31, 2020 as authorized by law or (c) is a greyhound meeting
139	licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; or

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(iii) offers an interactive sports wagering platform through a mobile application or other digitalplatform.

"Sports event" or "sporting event", a professional sport or athletic event, collegiate sport or athletic event, a collegiate tournament, motor race event, electronic sports event or other event authorized by the commission under this chapter; provided, however, that "sporting event" shall not include: (i) high school and youth sports or athletic events; or (ii) a collegiate sport or athletic event involving 1 or more collegiate teams from the commonwealth unless they are involved in a collegiate tournament.

"Sports governing body", an organization that is headquartered in the United States and prescribes final rules and enforces codes of conduct with respect to a sporting event and participants therein; provided, however, that, notwithstanding the foregoing, the commission shall adopt regulations to determine the governing body for electronic sports for the purposes of this chapter.

"Sports wager", a wager on a sporting event or a portion of a sporting event.

"Sports wagering", the business of accepting wagers on sporting events or portions of sporting events, other events, the individual performance statistics of athletes in a sporting event or other events or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms; provided, that sports wagering shall not include the acceptance of any wager: (i) with an outcome dependent on the performance of an individual athlete in any collegiate sport or athletic event, including, but not limited, to in-game or in-play wagers; (ii) on a high school or youth sporting event; (iii) on injuries, penalties, player discipline or replay review; and provided

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162 further, that sports wagering shall not include fantasy contests as defined in section 11M1/2 of 163 chapter 12. Sports wagering shall include, but shall not be limited to, single-game bets, teaser 164 bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, 165 proposition bets and straight bets. 166 "Sports wagering account", a financial record established by an operator for a patron in 167 which the patron may deposit by any method approved by the commission and withdraw funds 168 for sports wagering and other authorized purchases and to which the operator may credit 169 winnings or other amounts due to or authorized by that patron; provided, however, that such 170 account may be established and funded by the patron electronically through an approved mobile 171 application or digital platform; and provided further, that a deposit into a sports wagering 172 account shall not be made using a credit card. 173 "Tier I sports wager", a sports wager that is determined solely by the final score or 174 outcome of a sporting event and is placed before the sporting event has begun. 175 "Tier 2 sports wager", a sports wager that is not a tier 1 sports wager. "Wager", a sum of money or thing of value risked on an uncertain occurrence. 176 177 Section 4. (a) The commission shall regulate the conduct of sports wagering under this 178 chapter. 179 (b) The commission shall promulgate rules and regulations necessary for the 180 implementation, administration and enforcement of this chapter. The commission may

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promulgate emergency rules and regulations in accordance with applicable procedures for the

promulgation of emergency rules and regulations.

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(c) The commission shall promulgate regulations to prohibit: (i) the purchase or other use
of any personal biometric data of an athlete for sports wagering or aiding a patron in placing a
wager with sports wagering operators; and (ii) the following advertising, marketing and branding
activities: (A) advertisements, marketing and branding in such a manner that it is deceptive,
false, misleading, or untrue, or tends to deceive or create a misleading impression whether
directly, or by ambiguity or omission; (B) use of unsolicited pop-up advertisements on the
internet or by text message directed to an individual on the list of self-excluded persons
established pursuant to paragraph (2) of subsection (e) of section 13; (C) any form of advertising,
marketing or branding that the commission deems unacceptable or disruptive to the viewer
experience at a sports event; (D) advertising, marketing and branding deemed to appeal directly
to a person younger than 21 years old; and (E) advertising on any billboards, or any other public
signage, which fails to comply with any federal, state or local law.

- (d)(1) The commission may promulgate rules and regulations including, but not limited to, those governing the acceptance of wagers on a sports event, other event or a series of sports events; types of wagering receipts which may be used; methods of issuing receipts; methods of accounting to be used by operators; types of records to be kept; types of systems for wagering; and any other sports wagering-related issues.
- (2) The commission shall promulgate rules and regulations regarding protections for patrons placing wagers and the promotion of social responsibility and responsible gaming that shall include, but not be limited to, a requirement that an operator: (i) implement responsible gaming programs that include comprehensive employee trainings on responding to circumstances in which individuals present signs of gambling addiction; (ii) assess, prevent and address problem gaming by an operator's consumers; (iii) permit a consumer to permanently

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close an account registered to the consumer on any or all platforms owned or operated by the operator at any time and for any reason; (iv) offer consumers access to their account history and account details; (v) refrain from making claims as to a consumer's winnings or money earned that is not net of wagers placed; (vi) allow a consumer to withdraw funds without further solicitation or promotion in the manner in which the funds were deposited; (vii) annually submit a problem gaming plan for approval by the commission, in consultation with the department of public health, that includes the objectives of and timetables for implementing the plan, identification of the persons responsible for implementing and maintaining the plan, procedures for identifying consumers with suspected or known problem gaming behavior, procedures for providing information to consumers concerning problem gaming identification and resources, procedures to prevent gaming by minors and self-excluded persons and any other information the commission may require; and (viii) shall not offer or provide a line of credit to any consumer.

- (3) The commission shall promulgate regulations that require mobile applications and digital platforms authorized for sports wagering to prominently display upon each entry into the application or platform the telephone number and website for a problem gambling hotline overseen by the department of public health.
- (e) The commission shall: (i) determine the eligibility of a person to hold or continue to hold a license; (ii) issue all licenses; and (iii) maintain a record of all licenses issued under this chapter.
 - (f) The commission shall levy and collect all fees, surcharges, civil penalties and taxes on adjusted gross sports wagering receipts imposed by this chapter, except as otherwise provided under this chapter.

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(g) The commission shall have the authority to enforce this chapter and any rule or
regulation of the commission and may request that the attorney general bring an action to enforce
this chapter or any rule or regulation of the commission by civil action or petition for injunctive
relief.

- (h) The commission may hold hearings, administer oaths and issue subpoenas or subpoenas duces tecum in order to enforce this chapter and the rules and regulations of the commission.
- (i) The commission may exercise any other powers necessary to effectuate this chapter and the rules and regulations of the commission.
- Section 5. (a) A person shall not engage in any activity in connection with sports wagering in the commonwealth unless all required licenses have been obtained in accordance with this chapter and the rules and regulations of the commission.
- (b) The commission shall not grant an operator license until it determines that each person who has control of the applicant meets all qualifications for licensure. For the purposes of this chapter, the following shall be considered to have control of an applicant: (i) a person who owns 10 per cent or more of a corporate applicant and who has the ability to control the activities of the corporate applicant; provided, however, that a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business shall not be considered to have control of an applicant; (ii) a person who holds a beneficial or proprietary interest of 10 per cent or more of a non-corporate applicant's business operation and who has the ability to control the activities of the non-corporate applicant; and (iii) at the commission's

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discretion, an executive, employee or agent having the power to exercise significant influence
over decisions concerning the applicant's sports wagering operations in the commonwealth.

- (c) A person having control of an applicant pursuant to subsection (b) shall submit to the commission an application in a form determined by the commission. Each such person who is a natural person shall also submit to the commission: (i) fingerprints for a national criminal records check by the department of state police and the Federal Bureau of Investigation; and (ii) a signed authorization for the release of the person's information by the department of state police and the Federal Bureau of Investigation; provided, however, that a person having control of an applicant who is a natural person that has submitted to a national criminal records check in any jurisdiction within the previous year shall not be required to submit to another national criminal records check if such person submits to the commission the results of such previous national criminal records check. Any applicant convicted of any disqualifying offense, as determined by the commission, shall not be licensed.
- (d) Each person licensed under this chapter shall give the commission written notice not more than 30 days after any change to any material information provided in the application for a license or renewal.
- (e) A commission employee shall not be an applicant for any license issued under this chapter.
- Section 6. (a) A licensed qualified gaming entity may operate sports wagering upon the approval of the commission.
- 269 (b)(1) The commission shall issue a category 1 license to any holder of a gaming license, 270 as defined in section 2 of chapter 23K, that meets the requirements of this chapter and the rules

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and regulations of the commission; provided, however, that any holder of a category 1 license
 shall not be issued a category 2 license.

- (2) The commission shall issue a category 2 license to: (i) any holder of a license to conduct a live horse racing meeting in accordance with chapter 128A; (ii) a running horse racing licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; or (iii) a greyhound meeting licensee that conducted simulcast wagering as of December 31, 2020 as authorized by law; that meets the requirements of this chapter and the rules and regulations of the commission; provided, however, that any holder of a category 2 license shall not be issued a category 1 license; and provided further, that no more than 1 category 2 license shall be issued to any 1 person, entity, or affiliate or close associate of such person or entity.
- (3) The commission may issue a category 3 license to any entity that offers sports wagering through a mobile application or other digital platform that meets the requirements of this chapter and the rules and regulations of the commission; provided, however, the commission shall issue no more than 7 category 3 licenses that are not connected to a category 1 or category 2 license.
- 286 (4) A category 1 or category 2 licensee may enter into agreements related to mobile or
 287 digital sports wagering with a category 3 licensee pursuant to the approval of the commission.
 288 Nothing in this chapter shall require a category 3 licensee to partner with or have any
 289 commercial relationship with a category 1 or 2 licensee.
- (c)(1) A qualified gaming entity may submit to the commission a request for a temporary license for the immediate commencement of sports wagering operations. Such request shall include an initial licensing fee of \$1,000,000 payable to the commission.

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- (2) Upon receiving a request for a temporary license, the executive director of the commission shall review the request. If the executive director determines that the entity requesting the temporary license is a qualified gaming entity and has paid the sports wagering initial licensing fee pursuant to paragraph (1), the commission shall authorize the qualified gaming entity to conduct sports wagering for a period of 1 year under a temporary license or until a final determination on its operator license application is made.
- (3) All sports wagering conducted under authority of a temporary license shall comply with the house rules adopted under section 10.
- (d) Prior to issuing an operator license, the commission shall commence an investigation into the suitability of the applicant. The commission may use information obtained from the applicant pursuant to chapter 23K, chapter 128A, chapter 128C, or information from other jurisdictions where the applicant is authorized to conduct sports wagering. In evaluating the suitability of the applicant, the commission shall consider the overall reputation of the applicant including, but not limited to: (i) the integrity, honesty, good character and reputation of the applicant; (ii) the financial stability, integrity and background of the applicant; (iii) the business practices and the business ability of the applicant to establish and maintain a successful sports wagering operation; (iv) whether the applicant has a history of compliance with gaming or sports wagering licensing requirements in other jurisdictions; (v) whether the applicant, at the time of application, is a defendant in litigation involving its business practices; and (vi) the suitability of all parties in interest to the license, including affiliates and close associates, and the financial resources of the applicant.

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(e) The commission may deny an application, if the commission determines during its investigation that an applicant has failed to: (i) establish the applicant's integrity or the integrity of any affiliate, close associate, financial resources or any person required to be qualified by the commission; (ii) demonstrate responsible business practices in any jurisdiction; or (iii) overcome any other reason, as determined by the commission, as to why it would be injurious to the interests of the commonwealth to award the applicant an operator license.

(f) Upon application by a qualified gaming entity that is not denied pursuant to subsection (e) and payment of a \$5,000,000 licensing fee, the commission shall grant an operator license to a qualified gaming entity that provides the right to conduct sports wagering; provided, that the qualified gaming entity shall meet the requirements for licensure under this chapter and the rules and regulations of the commission. Such license shall be issued for a 5-year period, and may be renewed for 5-year periods upon payment of a \$5,000,000 renewal fee; provided, that the operator shall continue to meet all requirements under this chapter and the rules and regulations of the commission. The commission shall credit any initial licensing fee paid pursuant to paragraph (1) of subsection (c) to a successful applicant for an operator license against the licensing fee due under this subsection.

(g) An operator shall submit to the commission such documentation or information as the commission may require to demonstrate that the operator continues to meet the requirements of this chapter and the rules and regulations of the commission. An operator shall submit required documentation or information no later than 5 years after issuance of its operator license and every 5 years thereafter, or within lesser periods based on circumstances specified by the commission.

(h) No licensee shall transfer an operator license, or any direct or indirect interest in the
license, without the majority approval of the commission. A person seeking to acquire such
license through a transfer shall qualify and otherwise be determined by the commission to be
eligible for licensure under this chapter. The commission may reject a proposed license transfer
or a proposed transfer of interest in the license to an unsuitable person and may reject a proposed
transfer that, in the determination of the commission, would be injurious to the interests of the
commonwealth. The commission may promulgate regulations governing this process which may
include assessment of a fee to reflect the cost associated with reviewing the proposed transfer.

- (i) Applications for operator licenses shall be public records under section 10 of chapter 66; provided however, that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for an operator license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under said section 10 of said chapter 66.
- Section 7. (a) An applicant for an operator license shall pay to the commission a nonrefundable processing fee of \$200,000 for the costs associated with the processing of the application and investigation of the applicant; provided, however, that if the costs of the investigation exceed the initial application fee, the applicant shall pay the additional amount to the commission not more than 30 days after notification of insufficient fees or the application shall be rejected.
- 355 (b) All fees in this section shall be deposited into the Sports Wagering Control Fund356 established in section 14.

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357	Section 8. Section 8. (a) All persons employed by an operator to perform duties directly
358	related to the operation of sports wagering in the commonwealth in a supervisory role shall
359	maintain a valid occupational license issued by the commission. The commission shall issue such
360	occupational license to a person who meets the requirements of this section.
361	(b) An occupational license authorizes the licensee to be employed in the capacity
362	designated by the commission while the license is active. The commission may establish, by rule
363	or regulation, job classifications with different requirements based on the extent to which a
364	particular job impacts, or has the potential to impact, the lawful operation of sports wagering.
365	(c) An applicant for an occupational license shall submit any required application forms
366	established by the commission and shall pay a nonrefundable application fee of \$100. An
367	employer may pay an application fee on behalf of an applicant.
368	(d) Not later than March 1 of the third calendar year following the issuance or renewal of
369	an occupational license, an occupational license holder shall pay a nonrefundable license renewal
370	fee of \$100 and submit a renewal application on a form established by the commission. An

Section 9. Section 9. (a) The commission may deny a license to any applicant, reprimand any licensee or suspend or revoke a license if the applicant or licensee: (i) has knowingly made a false statement of a material fact to the commission; (ii) has had a license revoked by any governmental authority responsible for regulation of gaming activities; (iii) has been convicted of a felony or other crime involving embezzlement, theft, fraud, perjury, or a gambling-related offense; (iv) has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise; (v) has affiliates or

employer may pay the license renewal fee on behalf of the licensed employee.

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close associates that would not qualify for a license or whose relationship with the applicant may pose an injurious threat to the interests of the commonwealth in awarding an operator license to the applicant; or (vi) in the case of an operator or an applicant for an operator license, is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business.

(b) The commission may deny, suspend or revoke an operator license or reprimand any licensee if the applicant or licensee has not met the requirements of this chapter.

Section 10. (a) An operator shall adopt comprehensive house rules for game play governing sports wagering transactions with the operator's patrons. The house rules shall specify the amounts to be paid on winning wagers and the effect of sports event schedule changes. An operator shall not conduct sports wagering until the commission has approved the house rules and an operator shall not conduct sports wagering in a manner inconsistent with approved house rules.

(b) The house rules, together with any other information the commission deems appropriate, shall be accessible to any patrons of the sports wagering operator. The operator shall make copies readily available to patrons and shall post the house rules as required by the commission, including on a prominent place on the operator's public website and mobile application or other digital platform.

Section 11. (a) An operator shall employ commercially reasonable methods to: (i) prohibit the operator, directors, officers, owners and employees of the operator and any relative living in the same household as any such person from placing bets with the operator; (ii) prohibit athletes, coaches, referees, team owners, employees of a sports governing body or its member

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teams and player and referee union personnel from wagering on any sporting event of their sport's governing body; provided, however, that the operator shall use lists of such persons that a sports governing body may provide to the commission to determine which persons are excluded from placing wagers under this subsection; and provided further, that the commission may use the list of barred employees from the operator and may work directly with a member team to determine the risk posed by certain employees for obtaining nonpublic confidential information on a sporting event and may remove an employee without knowledge of team strategy or game operations from such a list if the commission determines any such risk is de minimis; (iii) prohibit any individual with access to nonpublic confidential information held by the operator from placing wagers with the operator; (iv) prohibit persons from placing wagers as agents or proxies for others; and (v) maintain the security of wagering data, customer data and other confidential information from unauthorized access and dissemination; provided, however, that nothing in this chapter shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order, other law or this chapter; and provided further, that such data and information shall be hosted in the United States.

(b) A sports governing body or players association representing athletes who participate in sporting events of the sports governing body may submit to the commission, in writing, by providing notice in a form and manner as the commission may require, a request to restrict, limit or exclude a certain type, form or category of sports wagering with respect to sporting events of the sports governing body, if the sports governing body or players association believes that such type, form or category of sports wagering with respect to sporting events of the sports governing body: (i) is contrary to public policy; (ii) unfair to consumers; (iii) may undermine the perceived integrity of the sports governing body, sporting events of the sports governing body or the

athletes participating therein; or (iv) affects the integrity of the sports governing body or sporting events of the sports governing body or the athletes participating therein.

The commission shall request comment from operators on all such requests. After giving due consideration to all comments received, the commission shall, upon a demonstration of good cause from the requestor, grant the request. The commission shall respond to a request concerning a particular event before the start of the event or, if it is not feasible to respond before the start of the event, not later than 7 days after the request is made; provided, however, that if the commission determines that the requestor is more likely than not to prevail in successfully demonstrating good cause for its request, the commission may provisionally grant the request until the commission makes a final determination as to whether the requestor has demonstrated good cause. Absent a provisional grant by the commission, an operator may continue to offer sports wagering on sporting events that are the subject of a request during the pendency of the consideration of the applicable request.

- (c) The commission shall designate a state law enforcement entity to have primary responsibility for conducting, or assisting the commission in conducting, investigations into abnormal betting activity, match fixing and other conduct that corrupts a betting outcome of a sporting event for purposes of financial gain.
- (d) The commission and operators shall use commercially reasonable efforts to cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including, but not limited to, using commercially reasonable efforts to provide or facilitate the provision of anonymized account-level betting information and audio or video files relating to persons placing wagers. All disclosures under this section are subject to the obligation of an

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operator to comply with all federal, state and local laws and regulations, including, but not limited to, laws and regulations relating to privacy and personally identifiable information.

- (e) An operator shall immediately report to the commission any information relating to:

 (i) criminal or disciplinary proceedings commenced against the operator in connection with its operations; (ii) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event; (iii) any potential breach of the internal rules and codes of conduct pertaining to sports wagering of a relevant sports governing body; (iv) any other conduct that corrupts a betting outcome of a sporting event for purposes of financial gain, including, but not limited to, match fixing; or (v) suspicious or illegal wagering activities, including, but not limited to: (A) use of funds derived from illegal activity; (B) wagers to conceal or launder funds derived from illegal activity; (C) use of agents to place wagers; and (D) use of false identification. An operator shall immediately report information relating to conduct described in clauses (ii), (iii) and (iv) of this subsection to the relevant sports governing body.
- (f) The commission and operators shall maintain the confidentiality of information provided by a sports governing body for purposes of investigating or preventing the conduct described in clauses (ii), (iii) and (iv) of subsection (e), unless disclosure is required by this chapter, the commission, other law or court order or unless the sports governing body consents to disclosure.
- (g) With respect to any information provided by an operator to a sports governing body relating to conduct described in clauses (ii), (iii) and (iv) of subsection (e), a sports governing body shall: (i) only use such information for integrity purposes and shall not use the information for any commercial or other purpose; and (ii) maintain the confidentiality of such information,

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unless disclosure is required by this chapter, the commission, other law or court order or unless the operator consents to disclosure; provided, however, that the sports governing body may make any disclosure necessary to conduct and resolve integrity-related investigations and may publicly disclose such information if required by its integrity policies or if deemed by the sports governing body in its reasonable judgment to be necessary to maintain the actual or perceived integrity of its sporting events, and subject in all cases to the sports governing body's compliance with federal, state and local laws and regulations, including, but not limited to, laws and regulations relating to privacy and personally identifiable information; and provided further, that prior to any such public disclosure that would identify the operator by name, the sports governing body shall provide the operator with notice of such disclosure and an opportunity to object to such disclosure.

- (h) An operator shall maintain records of all wagers placed by its patrons, including: (i) personally identifiable information of a patron who places a sports wager through a mobile application or other digital platform or a patron who places an in-person sports wager that exceeds an amount determined by the commission; (ii) amount and type of the bet; (iii) the time the bet was placed; (iv) the location of the bet, including the Internet Protocol address if applicable; (v) the outcome of the bet; and (vi) records of abnormal betting activity for 3 years after a sporting event occurs and video camera recordings in the case of in-person wagers for at least 1 year after a sporting event occurs. An operator shall make these records available for inspection upon request of the commission or as required by court order.
- (i) An operator shall use commercially reasonable efforts to maintain, in real time and at the account level, anonymized information for each patron, including: (i) the amount and type of bet; (ii) the time the bet was placed; (iii) the location of the bet, including the Internet Protocol

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address if applicable; (iv) the outcome of the bet; and (v) records of abnormal betting activity.

The commission may request the information in the form and manner as it requires. Nothing in this section shall require an operator to provide any information prohibited by federal, state or local laws or regulations, including, but not limited to, laws and regulations relating to privacy and personally identifiable information.

(j) If a sports governing body has notified the commission and demonstrated a need for access to the information described in subsection (i) for wagers placed on sporting events of the sports governing body for integrity monitoring purposes and demonstrated the capability to use the data for the purpose of effectively monitoring the integrity of sporting events of the sports governing body, an operator shall share, in a commercially reasonable frequency, form and manner, with the sports governing body or its designee the same information the operator is required to maintain pursuant to said subsection (i) with respect to sports wagers on sporting events of the sports governing body. A sports governing body and its designee shall only use information received pursuant to this section for integrity-monitoring purposes and shall not use information received pursuant to this section for any commercial or other purpose. Nothing in this section shall require an operator to provide any information that is prohibited by federal, state or local law or regulation, including, but not limited to, laws and regulations relating to privacy and personally identifiable information.

(k)(1) An operator shall conduct a background check on each newly hired employee.

Background checks shall search for criminal history, charges or convictions involving corruption or manipulation of sporting events and association with organized crime.

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(2) An operator shall conduct a single background check on any employee hired before the operator was issued an operator license. Background checks shall search for criminal history, charges or convictions involving corruption or manipulation of sporting events and association with organized crime.

Section 12. (a) An operator shall: (i) employ a monitoring system utilizing software to identify irregularities in volume or changes in odds that could signal suspicious activities and promptly report such information to the commission for further investigation; provided, however, that system requirements and specifications shall be developed according to industry standards and implemented by the commission as part of the minimum internal control standards; (ii) promptly report to the commission any facts or circumstances related to the operation of a sports wagering license that constitute a violation of state or federal law and promptly report to the appropriate state or federal authorities any suspicious betting over a threshold set by the operator that has been approved by the commission; (iii) conduct all sports wagering activities and functions in a manner that does not pose a threat to the public health, safety or welfare of the residents of the commonwealth; (iv) keep current in all payments and obligations to the commission; (v) prevent any person from tampering or interfering with the operation of any sports wagering; (vi) ensure that mobile sports wagering occurs only using a commission-approved mobile application or other digital platform to accept wagers initiated within the commonwealth; (vii) maintain sufficient cash and other supplies to conduct sports wagering at all times; (viii) maintain daily records showing the gross sports wagering receipts and adjusted gross sports wagering receipts of the operator from sports wagering; (ix) timely file with the commission any additional reports required by this chapter or by any rule or regulation;

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534	and (x) use commercially reasonable efforts to prevent a person u	ınder 2	l year	s old from	n placing
535	a wager.				

- (b) Sports wagering operators may use any data source for determining:
- (1) the results of any and all tier 1 sports wagers on any and all sporting events; and
- (2) the results of any and all tier 2 sports wagers on sporting events of an organization
 that is not headquartered in the United States.
 - (c) A sports governing body may notify the commission that it desires sports wagering operators to use official league data to settle tier 2 sports wagers on sporting events of such sports governing body. The notification shall be made in the form and manner as the commission may require. Within 5 days of receipt of the notification, the commission shall notify each sports wagering operator of the requirement to use official league data to settle tier 2 sports wagers. If a sports governing body does not notify the commission of its desire to supply official league data, a sports wagering operator may use any data source for determining the results of any and all tier 2 sports wagers on sporting events of the sports governing body.
 - (d) Within 60 days of the commission notifying a sport wagering operator of the requirement to use official league data to settle tier 2 sports wagers pursuant to subsection (c), or such longer period as may be agreed between the sports governing body and the applicable sports wagering operator, a sports wagering operator shall use only official league data to determine the results of tier 2 sports wagers on sporting events of that sports governing body, unless:

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554	(1) the sports governing body or its designee cannot provide a feed of official league dat
555	to determine the results of a particular type of tier 2 sports wager, in which case a sports
556	wagering operator may use any data source for determining the results of the applicable tier 2
557	sports wager until such time a data feed becomes available from the sports governing body on
558	commercially reasonable terms and conditions; or
559	(2) a sports wagering operator can demonstrate to the commission that the sports
560	governing body or its designee will not provide a feed of official league data to the sports
561	wagering operator on commercially reasonable terms and conditions.
562	(e) In evaluating whether official league data is offered on commercially reasonable
563	terms and conditions for purposes of paragraphs (1) and (2) of subsection (d), the commission
564	may consider factors, including, but not limited to:
565	(1) the availability of official league data to a sports wagering operator from more than 1
566	authorized source;
567	(2) market information, including, but not limited to, price and other terms and condition
568	regarding the purchase by sports wagering operators of comparable data for the purpose of
569	settling sports wagers in the commonwealth and other jurisdictions;
570	(3) the nature and quantity of data, including the quality and complexity of the process
571	used for collecting the data; and
572	(4) the extent to which a sports governing body or its designee has made data used to
573	settle tier 2 wagers available to sports wagering operators and any terms and conditions relating
574	to the use of that data.

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(f) Notwithstanding subsection (d) or any provision of this subsection to the contrary,
during the pendency of the determination of the commission as to whether a sports governing
body or its designee may provide official league data on commercially reasonable terms, a sports
wagering operator may use any data source to determine the results of tier 2 sports wagers. The
determination shall be made within 120 days of the sports wagering operator notifying the
commission that it requests to demonstrate that the sports governing body or its designee will not
provide a feed of official league data to the sports wagering operator on commercially reasonable
terms.

- (g) A sports governing body may enter into commercial agreements with a sports wagering operator or other entity in which such sports governing body may share in the amount wagered or revenues derived from sports wagering on sporting events of the sports governing body. A sports governing body shall not be required to obtain a license or any other approval from the commission to lawfully accept such amounts or revenues.
- Section 13. (a) Holders of category 1 and category 2 licenses may accept wagers on sports events and other events authorized pursuant to this chapter in person at authorized facilities.
- (b) Holders of an operator license may accept wagers on sports events and other events authorized pursuant to this chapter from individuals physically located within the commonwealth using mobile applications or digital platforms approved by the commission, through the patron's sports wagering account. The branding for each mobile application or digital platform shall be determined by the operator. All bets authorized pursuant to this section must be initiated, received and otherwise made within the commonwealth. Consistent with the intent of the federal

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Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to 5367,
inclusive, the intermediate routing of electronic data related to a lawful intrastate wager
authorized pursuant to this chapter shall not determine the location or locations in which the
wager is initiated, received or otherwise made.

- (c) An operator may: (i) accept wagers placed by other operators and (ii) place wagers with other operators; provided, that any operator that places a wager with another operator shall inform the operator accepting the wager that the wager is being placed by an operator and shall disclose the operator's identity.
- (d) An operator shall not accept: (i) a wager from a person who is less than 21 years of age; or (ii) a credit card.
- (e)(1) The commission or operator may ban any person from participating in the play or operation of any sports wagering consistent with rules and regulations promulgated by the commission. A list of all excluded patrons shall be kept by the commission and provided to each licensee. No patron on the exclusion list shall be permitted to conduct sports wagering pursuant to this chapter.
- (2) The commission shall establish a list of self-excluded persons from sports wagering. A person may request their name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that they are a problem gambler and by agreeing that, during any period of voluntary exclusion, they shall not collect any winnings or recover any losses resulting from any sports wagering. The commission shall adopt further regulations for the self-excluded persons list including procedures for placement, removal and transmittal of the list to sports wagering operators. The commission may revoke, limit, condition, suspend or fine a

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619	sports wagering operator if the operator knowingly or recklessly fails to exclude or eject from its
620	premises any person placed on the list of self-excluded persons. The list of self-excluded persons
621	from sports wagering shall not be open to public inspection.
622	(3) An operator that operates sports wagering through a mobile application or other
623	digital platform may allow patrons to set self-imposed limitations on sports wagering when the
624	patron joins the mobile application or digital platform.
625	(f) No employee may place a sports wager at any facility or through any mobile
626	application or digital platform owned or operated by their employer.
627	(g) Sections 24, 24A and 27 of chapter 10 of the General Laws shall not apply to an
628	operator conducting sports wagering in accordance with this chapter.
629	(h) Unclaimed winning sports wagers shall be retained by the operator for the person
630	entitled to the wager for 1 year after the game or event in which the wager was won. If no claim
631	is made for the wager within 1 year, the cash or equivalent cash value of the wager shall be
632	deposited in the Sports Wagering Control Fund established in section 15.

Section 14. (a) An excise is hereby imposed upon sports wagering operators in the commonwealth at the rate of: (i) 15 per cent of the operator's adjusted gross sports wagering receipts from the operation of in-person sports wagering; (ii) 20 per cent of the operator's adjusted gross sports wagering receipts from the operation of sports wagering through mobile applications and other digital platforms approved by the commission; and (iii) 15 per cent of the adjusted gross fantasy wagering receipts of a person or entity that offers fantasy contests, as defined in section 11M1/2. The accrual method of accounting shall be used for purposes of

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040	calculating the amount of the tax owed by the licensee. The excise shall be paid to the
641	commission at the time provided for filing the return pursuant to subsection (b).
642	(b)(1) The excise imposed and collected pursuant to subsection (a) shall be due
643	and payable to the commission in monthly installments on or before the fifteenth calendar day
644	following the calendar month in which the adjusted gross sports wagering receipts were received.
645	(2) On or before the fifteenth calendar day of each month, the operator shall complete and
646	submit the return for the preceding month by electronic communication to the commission in a
647	form prescribed by the commission that provides:
648	(i) the total gross sports wagering receipts and adjusted gross sports wagering receipts
649	from operation of sports wagering during that month;
650	(ii) the total gross fantasy wagering receipts and adjusted gross fantasy wagering receipts
651	from the offering of fantasy contests, as defined in section 11M½ of chapter 12, during that
652	month;
653	(iii) the tax amount for which an operator or a person or entity that offers fantasy
654	contests, as defined in said section 11M½ of said chapter 12, is liable; and
655	(iv) any additional information necessary in the computation and collection of the tax on
656	adjusted gross sports wagering receipts and adjusted gross fantasy wagering receipts required by
657	the commission.
558	(3) The excise amount shown to be due shall be remitted by electronic funds transfer
559	simultaneously with the filing of the return.

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(4) When an operator's adjusted gross sports wagering receipts for a month is a negative
number because the winnings paid to wagerers and excise taxes paid pursuant to federal law
exceed the operator's total gross receipts from sports wagering, the commission shall allow the
operator to carry over the negative amount to returns filed for subsequent months. The negative
amount of adjusted gross sports wagering receipts shall not be carried back to an earlier month
and taxes previously received by the commission shall not be refunded unless the operator
surrenders its license and the operator's last return reported negative adjusted gross sports
wagering receipts.

- (c) The excise on adjusted gross sports wagering receipts imposed by this section shall be in lieu of all other state and local taxes and fees imposed on the operation of, or the proceeds from operation of, sports wagering.
- (d) Annually, not later than July 1, the commission shall publish on its website a report stating the amount in fees, surcharges and civil penalties received from operators and taxes received from operators and from people or entities that offer fantasy contests, as defined in section 11M½ of chapter 12.

Section 15. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Sports Wagering Control Fund. The commission shall be the trustee of the fund and shall expend money to finance the operational activities of the commission pertaining to sports wagering. The fund shall be credited with: (i) any appropriation, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto; (ii) the proceeds of any fees collected pursuant to this section unless otherwise specified; (iii) fees collected pursuant to sections 7 and 8; (iv) breaks; and (v) such additional

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funds as are subject to the direction and control of the commission. All available money in the
fund that is unexpended at the end of each fiscal year shall not revert to the General Fund and
shall be available for expenditure in the subsequent fiscal year.

- (b) The commission shall establish fees for any investigation into a violation of this chapter or regulation promulgated hereunder by a sports wagering operator to be paid by the sports wagering operator including, but not limited to, billable hours by commission staff involved in the investigation and the costs of services, equipment or other expenses that are incurred by the commission during the investigation.
- (c) Any remaining costs of the commission necessary to maintain regulatory control over sports wagering operators that are not covered by: (i) the fees set forth in subsection (b); (ii) any other fees assessed pursuant to this chapter; or (iii) any other designated sources of funding, shall be annually assessed on sports wagering operators pursuant to this chapter in proportion to each operator's share of the commonwealth's total adjusted gross sports wagering receipts. Each operator shall pay the amount assessed against the operator not more than 30 days after the date of the notice of assessment from the commission.
- (d) If the fees collected pursuant to subsections (b) and (c) exceed the cost required to maintain regulatory control, the surplus funds shall be credited in proportional shares against each sports wagering operator's next assessment.
- (e) The commission shall annually assess and collect a \$1,000,000 fee in shares to be determined by the commission against each sports wagering operator that is not a category 1 or category 2 gaming licensee, as defined in section 2 of chapter 23K. The fee collected pursuant to this subsection shall be deposited into the Public Health Trust Fund established in section 58 of

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said chapter 23K and shall be used for the costs of services and public health programs provided for in said section 58 of said chapter 23K.

Section 16. (a) The commission may assess a civil administrative penalty on an operator who fails to comply with any provision of this chapter, house rules or any regulation or order adopted by the commission; provided, however, that the noncompliance shall have occurred after the commission has given such operator written notice of the noncompliance and the time stated in the notice for coming into compliance has elapsed; provided further, that the commission may assess a penalty without providing written notice if the failure to comply: (i) was part of a pattern of noncompliance and not an isolated instance; (ii) was willful or neglectful and not the result of error; (iii) resulted in a significant breach to the integrity of the operator or the sports wagering laws of the commonwealth; or (iv) consisted of failure to promptly report to the commission any knowledge of evidence or circumstances that would cause a reasonable person to believe that a violation of this chapter has been committed. The civil administrative penalty shall be in addition to any other civil penalty that may be prescribed by law.

(b) For the purpose of determining whether such noncompliance was part of a pattern of noncompliance and not an isolated instance, the commission shall consider, but not be limited to; (i) whether the commission had previously notified the operator of such noncompliance on more than 1 occasion during the previous month or of any noncompliance with the same provision of a law, regulation, order, license or approval as the current noncompliance during the previous 6-month period; or (ii) whether the current and previous instances of noncompliance, considered together, indicate a potential threat to the integrity of the operator and sports wagering in the commonwealth or an interference with the commission's ability to efficiently and effectively regulate sports wagering in the commonwealth and enforce any regulation, license or order. If an

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operator that has received a notice of noncompliance fails to come into compliance within the time period stated in the notice, the civil administrative penalty may be assessed by the commission upon the operator from the date of receipt of such notice.

(c) If the commission seeks to assess a civil administrative penalty on an operator, the commission shall cause to be served upon the operator, by service in hand or by certified mail, return receipt requested, a written notice of its intent to assess a civil administrative penalty that shall include: (i) a concise statement of the alleged act or omission for which such civil administrative penalty is sought to be assessed; (ii) each law, regulation, order, license or approval that has not been complied with as a result of such alleged act or omission; (iii) the amount that the commission seeks to assess as a civil administrative penalty for each alleged act or omission; (iv) a statement of the operator's right to an adjudicatory hearing on the proposed assessment; (v) the requirements the operator shall comply with to avoid being deemed to have waived the right to an adjudicatory hearing; and (vi) the manner of payment thereof if the operator elects to pay the penalty and waive an adjudicatory hearing. After written notice of noncompliance or intent to assess a civil administrative penalty has been given, each day thereafter during which noncompliance occurs or continues shall constitute a separate offense and shall be subject to a separate civil administrative penalty if reasonable efforts have not been made by the operator to promptly come into compliance.

(d) If the commission seeks to assess a civil administrative penalty on an operator, the operator shall have the right to an adjudicatory hearing under chapter 30A, the provisions of which shall apply except when they are inconsistent with the provisions of this chapter.

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- (c) An operator shall be deemed to have waived its right to an adjudicatory hearing unless, not more than 21 days after the date of the commission's notice that the commission seeks to assess a civil administrative penalty, the operator files with the commission a written statement denying the occurrence of any of the acts or omissions alleged by the commission in the notice or asserting that the amount of the proposed civil administrative penalty is excessive. In an adjudicatory hearing authorized under chapter 30A, the commission shall be required to prove, by a preponderance of the evidence, the occurrence of each act or omission alleged by the commission in the notice.
- (f) If an operator waives the right to an adjudicatory hearing, the proposed civil administrative penalty shall be final immediately upon such waiver. If a civil administrative penalty is assessed at the conclusion of an adjudicatory hearing, the civil administrative penalty shall be final upon the expiration of 30 days unless an action for judicial review of the decision is commenced under chapter 30A.
- (g) An operator who institutes proceedings for judicial review of the final assessment of a civil administrative penalty shall place the full amount of the final assessment in an interest-bearing escrow account in the custody of the clerk or magistrate of the reviewing court. The establishment of an interest-bearing escrow account shall be a condition precedent to the jurisdiction of the reviewing court unless the party seeking judicial review demonstrates, in a preliminary hearing held not more than 20 days after the filing of the complaint, the presence of a substantial question for review by the court or the operator's inability to pay. Upon such a demonstration, the court may grant an extension or waiver of the interest-bearing escrow account requirement or may require, in lieu of such interest-bearing escrow account, the posting of a

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bond payable directly to the commonwealth in the amount of 125 per cent of the assessedpenalty.

If, after judicial review, in a case where the escrow account requirement has been waived, and in cases where a bond has been posted in lieu of such requirement, the court affirms, in whole or in part, the assessment of a civil administrative penalty, the commission shall be paid the amount thereof together with interest at the rate provided in section 6C of chapter 231. If, after judicial review in a case where an interest-bearing escrow account has been established, the court affirms the assessment of such penalty, in whole or in part, the commission shall be paid the amount thereof together with the accumulated interest in the interest-bearing escrow account. If the court sets aside the assessment of a civil administrative penalty in a case where the amount of such penalty has been deposited in an interest-bearing escrow account, the operator on whom the civil administrative penalty was assessed shall be repaid the amount so set aside, together with the accumulated interest thereon.

(h) Each operator who fails to timely pay a civil administrative penalty and each operator who issues a bond under this section and fails to timely pay to the commission the amount required for the bond, shall be liable to the commonwealth for up to 3 times the amount of the civil administrative penalty, together with costs, plus interest accrued from the time the civil administrative penalty became final and attorneys' fees, including all costs and attorneys fees incurred directly in the collection of the penalty. The rate of interest shall be the rate provided in section 6C of chapter 231. The commission may require that the amount of a civil administrative penalty imposed under this section exceed any economic benefit realized by a person.

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791	(i) The commission may impose conditions on, suspend or revoke an operator's license of
792	reprimand or assess a fine on an operator upon a finding that the operator: (i) has committed a
793	criminal or civil offense under this chapter or under any other law; (ii) is not in compliance with
794	sports wagering regulations promulgated pursuant to this chapter; (iii) is under criminal
795	investigation in another jurisdiction; (iv) has breached a condition of licensure; (v) has affiliates,
796	close associates or employees that are not qualified or licensed under this chapter with whom the
797	operator continues to conduct business or employ; (vi) is no longer capable of maintaining
798	operations as a sports wagering operator; or (vii) whose business practice, upon a determination
799	by the commission, is injurious to the policy objectives of this chapter.
800	Section 17. There shall be established and set up on the books of the commonwealth a
801	Sports Wagering Fund which shall receive revenues collected pursuant to sections 6 and 14. The
802	commission shall be the trustee of the fund and shall transfer monies from the fund as follows:
803	(1) 45 per cent to the General Fund;
804	(2) 17.5 per cent to the Workforce Investment Trust Fund established in section 18;
805	(3) 27.5 per cent to the Gaming Local Aid Fund established in section 63 of section 23K;
806	(4) 1 per cent to the Youth Development and Achievement Fund established in section
807	19; and
808	(5) 9 per cent to the Public Health Trust Fund established in section 58 of section 23K.
809	Section 18. (a) There is hereby established and set up on the books of the commonwealth
810	a separate fund to be known as the Workforce Investment Trust Fund. There shall be credited to
811	the fund any sports wagering revenue transferred from the Sports Wagering Fund pursuant to

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section 16. Monies transferred to the fund shall be continuously expended, without regard for fiscal year, exclusively for carrying out the purposes of this section. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

- (b) The fund shall be administered by the secretary of housing and economic development. Money in the fund shall be competitively granted to develop and strengthen workforce opportunities for low-income communities and vulnerable youth and young adults in the commonwealth, including providing opportunities and strategies to promote stable employment and wage growth.
- (c) Eligible grant recipients shall provide opportunities which: (i) target at risk youth, including resources to empower youth to succeed in the workforce; (ii) provide job skills trainings, including programs offering trainings in multiple languages and areas for development, including education and hands on skills; (iii) promote adult literacy, including strategies to master reading and writing and providing digital formats to increase accessibility; and (iv) provide English language learning programs to promote access to the workforce. The secretary of housing and economic development shall establish criteria to evaluate applications for the grant program; provided, that the criteria shall include, but shall not be limited to, at risk populations; provided further, that preference shall be given to eligible grant recipients providing opportunities for individuals who meet at least 2 of the following: (i) is under 30 years of age; (ii) is a victim of violence; (iii) is over 18 years of age and does not have a high school diploma; (iv) has been convicted of a felony; (v) has been unemployed or has had a family income below 250 per cent of the federal poverty level for not less than 6 months; (vi) lives in a census tract where over 20 per cent of the populations fall below the federal poverty line; or (vii) is an immigrant, refugee or person of color.

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(d) Annually, not later than October 1, the secretary of housing and economic
development shall provide a report of the grants given and a breakdown of expenditures made by
the fund. The report shall be posted on the website of the executive office of housing and
economic development.

Section 18. There shall be established and set up on the books of the commonwealth a fund to be known as the Youth Development and Achievement Fund. The fund shall be credited any monies transferred from the Sports Wagering Fund pursuant to section 16 and all monies credited to or transferred to the fund from any other fund or source. Expenditures from the fund shall be subject to appropriation and shall be expended equally for the following purposes:

- (1) For the purposes of providing financial assistance to students from the commonwealth enrolled in and pursuing a program of higher education in any approved public or independent college, university, school of nursing or any other approved institution furnishing a program of higher education;
- (2) For the purposes of funding after-school and out-of-school activities, including, but not limited to, youth athletics and other activities that improve student health, literacy programs, English language learning programs, academic tutoring, art, theater and music programs and community service programs; and
- (3) For the purposes of providing matching grants to elementary and secondary youth sports, organizations, clubs and other school groups to attend events including, but not limited to, academic events and programs, cultural events and award ceremonies both nationally and internationally.

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Section 20. The commission shall conduct a study into the feasibility of allowing retail
locations in the commonwealth to operate sports wagering kiosks. The study by the commission
shall include, but not be limited to, an analysis of: (i) the economic impact of this chapter on
retail establishments that serve alcoholic beverages for on premises consumption, such as
restaurants and bars; (ii) which retail locations have the ability to operate a sports wagering
kiosk; (iii) the economic impact to the commonwealth of authorizing retail locations to operate a
sports wagering kiosk; (iv) the methods and availability of payouts of winnings by a sports
wagering kiosks at retail locations; (v) the public health and safety impacts to the commonwealth
of authorizing retail locations to operate a sports wagering kiosk; (vi) the potential effect of
sports wagering kiosks at retail locations on problem gaming or gambling; (vii) the impact of
sports wagering kiosks at retail locations on minors; (viii) the economic impact of authorizing
this method of sports wagering on businesses owned by people of color; (ix) the public health
and economic impact of this method of sports wagering as an alternative to the current black
market, particularly in communities far from authorized in-person sports wagering; and (x)
recommendations to ensure diversity, equity and inclusion are included in this method of sports
wagering. As part of the study, the commission shall consult retailers, convenience stores,
restaurants, women and minority owned businesses and small business owners. The commission
shall report on its findings and submit any recommendations to the clerks of the house and
senate, the house and senate committees on ways and means, the joint committee on consumer
protection and professional licensure and the joint committee on economic development and
emerging technologies no later than December 31, 2022.

Section 21. (a) The commission may impose on any person who violates this chapter a civil penalty not to exceed \$2,000 for each violation or \$5,000 for violations arising from the

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same series of events. Such penalty shall be imposed on all persons and is not limited to persons licensed under this chapter.

(b) The commission may condition, suspend, reprimand, assess a fine or revoke an operator license upon a finding that a licensee: (i) has committed a criminal or civil offense under this chapter or under any other laws of the commonwealth; (ii) is not in compliance with sports wagering regulations; (iii) is under criminal investigation in another jurisdiction; (iv) has breached a condition of licensure; (v) has affiliates, close associates or employees that are not qualified or licensed under this chapter with whom the licensee continues to conduct business or employ; (vi) is no longer capable of maintaining operations as a sports wagering operator or data supplier; or (vii) whose business practice, upon a determination by the commission, is injurious to the policy objectives of this chapter.

Section 21. (a) Whoever, other than an operator under this chapter, engages in accepting, facilitating or operating a sports wagering operation shall be punished by imprisonment in the house of correction for not more than 90 days or by a fine not to exceed \$10,000, or both; and for a second offense, by imprisonment in the house of correction for not more than 6 months or by a fine of not more than \$50,000, or both; and in the case of a third or subsequent violation by imprisonment in the state prison for not less than 1 but not more than 5 years or by a fine of not less than \$25,000 and not more than \$100,000, or both.

Section 22. An operator shall not discharge, demote, suspend, threaten, harass or in any other manner discriminate against an employee because of any lawful act done by the employee to provide information, cause information to be provided or otherwise assist in an investigation

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regarding any conduct that the employee reasonably believes constitutes a violation of this chapter.

Section 23. (a) The commission shall develop an annual research agenda in order to understand the social and economic effects of sports wagering in the commonwealth and to obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology and etiology of sports wagering. The secretary of health and human services, with the advice and consent of the commission, may expend funds from the Public Health Trust Fund established in section 58 of chapter 23K to implement the objectives of the sports wagering research agenda; provided, however, that the objectives of the sports wagering research agenda shall, to the extent practicable, be substantially similar to the objectives of the research agenda established under section 71 of said chapter 23K. The sports wagering research agenda shall also include, but not be limited to: (i) an assessment of whether problem sports wagering is comorbid with problem gambling; (ii) an assessment as to whether the individuals participating in sports wagering are different than those who participate in other forms of gaming or gambling; (iii) an assessment of the impact of sports wagering on youth under the age of 25; (iv) an assessment of the impacts of sports wagering on college athletics and professional sports; and (v) the costs of implementing this chapter.

(b) Annually, the commission shall make scientifically-based recommendations that reflect the results of the research under clause (a) to the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on economic development and emerging technologies, the joint committee on mental health, substance use and recovery and the joint committee on public health. The commission shall consider any such recommendations, research and findings in all decisions related to enhancing

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923	responsible gambling and mitigating problem sports wagering. The recommendations shall be
924	posted on the commission's website.
925	SECTION 6. Chapter 128C of the General Laws is hereby amended by inserting the
926	following new section:-
927	Section 9. Notwithstanding sections 1 to 8, inclusive, or any other general or special law
928	to the contrary, no racing meeting licensee, including licensees holding racing meetings in
929	connection with a state or county fair as defined in section 1 of chapter 128A, shall simulcast or
930	accept a wager on greyhound dog racing, and a running horse racing meeting licensee shall
931	conduct not less than 20 live racing days at a thoroughbred horse racing track, provided, the
932	commission may waive this requirement as necessary and appropriate to ensure the financial
933	ability of the licensee to develop and operate a race track.
934	SECTION 7. Section 1 of chapter 137 of the General Laws, as appearing in the 2018
935	Official Edition, is hereby amended by inserting after the figure "23K", in line 3, the following
936	words:- or sports wagering conducted pursuant to chapter 23N.
937	SECTION 8. Section 2 of said chapter 137, as so appearing, is hereby amended by
938	inserting after the figure "23K", in line 3, the following words:- or an operator who offers sports
939	wagering pursuant to chapter 23N.
940	SECTION 9. Section 3 of said chapter 137, as so appearing, is hereby amended by
941	inserting after the figure "23K", in line 7, the following words:- or sports wagering conducted
942	pursuant to chapter 23N.

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943	SECTION 10. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby
944	amended by striking out, in line 4, the words "chapter 23K" and inserting in place thereof the
945	following words:- chapters 23K and 23N.
946	SECTION 11. Section 2 of said chapter 271, as so appearing, is hereby amended by
947	striking out, in line 4, the words "chapter 23K" and inserting in place thereof the following
948	words:- chapters 23K and 23N.
949	SECTION 12. Section 3 of said chapter 271, as so appearing, is hereby amended by
950	striking out, in line 1, the words "chapter 23K" and inserting in place thereof the following
951	words:- chapters 23K and 23N.
952	SECTION 13. Section 5 of said chapter 271, as so appearing, is hereby amended by
953	striking out, in line 1, the words "chapter 23K" and inserting in place thereof the following
954	words:- chapters 23K and 23N.
955	SECTION 14. Section 5A of said chapter 271, as so appearing, is further amended by
956	inserting after the words "chapter 23K", in line 32, the following words:- or sports wagering
957	conducted pursuant to chapter 23N.
958	SECTION 15. Section 5B of said chapter 271, as so appearing, is hereby amended by
959	striking out, in line 58, the words "chapter 23K" and inserting in place thereof the following
960	words:- chapters 23K and 23N.
961	SECTION 16. Section 8 of said chapter 271, as so appearing, is hereby amended by
962	striking out, in lines 10 to 11, the words "other game of chance that is not being conducted in a
963	gaming establishment licensed under chapter 23K" and inserting in place thereof the following

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words:- other game that is not being conducted pursuant to chapter 23K and any other sports wagering that is not being conducted pursuant to chapter 23N.

SECTION 17. Section 17 of said chapter 271, as so appearing, is hereby amended by inserting after the words "chapter 23K", in line 27, the following words:- or for the purpose of sports wagering conducted in accordance with chapter 23N.

SECTION 18. Said chapter 271, as so appearing, is hereby further amended by striking out section 17A and inserting in place thereof the following section:-

Section 17A. Except as permitted under chapter 23N, whoever uses a telephone, internet or other communications technology or, being the occupant in control of premises where a telephone, internet or other communications technology is located or a subscriber for such communications technology, knowingly permits another to use a telephone, internet or other communications technology so located or for which such person subscribes, as the case may be, for the purpose of accepting wagers or bets, or buying or selling of pools, or for placing all or any portion of a wager with another, upon the result of a trial or contest of skill, speed or endurance of man, beast, bird or machine, or upon the result of an athletic game or contest, or upon the lottery called the numbers game, or for the purpose of reporting the same to a headquarters or booking office, or who under another name or otherwise falsely or fictitiously procures telephone, internet or other communications technology service for oneself or another for such purposes, shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 1 year; provided, however, that this section shall not apply to use of telephones or other devices or means to place wagers authorized pursuant to the provisions of section 5C of chapter 128A.

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986	SECTION 19. Section 19 of said chapter 271, as so appearing, is hereby amended by
987	inserting after the words "chapter 23K", in line 19, the following words:- and shall not apply to
988	advertising of sports wagering conducted pursuant to chapter 23N.
989	SECTION 20. Section 20 of said chapter 271, as so appearing, is hereby amended by
990	adding the following sentence:- Nothing in this section shall prohibit an operator licensed under
991	chapter 23N from posting, advertising or displaying materials relevant to its sports wagering
992	operations.
993	SECTION 21. Section 23 of said chapter 271, as so appearing, is hereby amended by
994	inserting after the words "chapter 23K", in line 31, the following words:- and shall not apply to
995	sports wagering conducted pursuant to chapter 23N.
996	SECTION 22. Section 27 of said chapter 271, as so appearing, is hereby amended by
997	inserting after the word "thereto", in line 15, the following words:-; provided, however, that
998	such provisions shall not apply to sports wagering conducting pursuant to chapter 23N.
999	SECTION 23. Section 28 of said chapter 271, as so appearing, is hereby amended by
1000	inserting after the word "prescribed", in line 12, the following words:-; provided, however, that
1001	such provisions shall not apply to sports wagering conducted pursuant to chapter 23N.
1002	SECTION 24. Section 42 of said chapter 271, as so appearing, is hereby amended by
1003	inserting after the word "both", in line 4, the following words:-; provided, however, that such
1004	provisions shall not apply to sports wagering conducted pursuant to chapter 23N.
1005	SECTION 25. The Massachusetts gaming commission shall conduct a study on the
1006	participation by minority business enterprises, women business enterprises and veteran business

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enterprises in the sports wagering industry in the commonwealth. The study shall include, but not be limited to, an analysis of: (i) participation in activities related to the regulation, licensing and promotion of sports wagering operators; (ii) the level of participation of women, minority and veteran employees working for sports wagering licensees and employers; (iii) the level of participation by minority-owned and women-owned businesses that contract with or provide services to sports wagering licensees and employers; (iv) any barriers to employment of women and minorities in the sports wagering industry; and (v) methods for increasing racial and gender diversity in the workforce in the sports wagering industry, including whether to set reasonable and appropriate goals and procedures for increasing the number of minority business enterprises providing sports wagering industry-related services to sports wagering licensees and employers. The commission shall report on its findings and submit any recommendations to the clerks of the senate and house of representatives, the house and senate committees on ways and means, the joint committee on racial equity, civil rights, and inclusion and the joint committee on economic development and emerging technologies not later than December 31, 2022.

SECTION 26. Section 135 of chapter 219 of the acts of 2016 is hereby repealed.

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SECTION 27. Sections 2 and 6 shall take effect 1 year after the effective date of this act.



April 19, 2023

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

RE: Submission of Zoning Amendment Proposal- An Ordinance to Amend The Code Of The City Of Gardner, Chapter 675 Thereof, Entitled "Zoning," to amend section 1070 thereof entitled "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

Dear Madam President and Colleagues,

At the April 18th, 2023 Meeting of the City Council, we voted to grant the Mayor Leave to withdraw Item 10893 due to concerns regarding the process outlined in Chapter 40A, Section 5 of the General Laws.

We believe this proposal to have been in the best interest of the City of Gardner, as a way to build our economic base, provide for our residents, and plan for our future. We cannot stay stagnant as a City and must continue to do everything we can to better Gardner for ourselves and future generations of Gardnerites – which is what we believe this original proposal provided for the City.

Whereas Section 5 of Chapter 40A of the General Laws states that the City Council may initiate Zoning Amendments, we, as City Councilors, working in the best interest of the City and our Constituents, propose this ordinance and request that the City Council refer this Item to the Planning Board and schedule a joint public hearing.

We have attached the relevant section so the General Laws and the original proposal submitted by Mayor Nicholson that was formally withdrawn and removed by the City Council to this correspondence for supporting materials.

Respectfully submitted,

Dana Heath

Ward 2 Councilor

Herdun

Karen Hardern

Ward 4 Councilor

eorge Tyros

Councilor At-Large

James Boone

Councilor At-Large

Ward 3 Councilor

Ordinance Document

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO AMEND SECTION 1070 THEREOF, ENTITLED, "MARIJUANA ESTABLISHMENTS" TO CHANGE THE METHOD TO INCREASE THE QUOTA ALLOWED BY THE CODE OF THE CITY OF GARDNER.

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

SECTION 1: Subsection (C)(8)(b) of Section 1070 of Chapter 675 of the Code of the City of Gardner be amended by replacing the paragraph in its entirety and amending the Ordinance as follows:

b) The number of marijuana retail establishments shall be limited to the amount specified by Section 5 of Chapter 306 of the Code of the City of Gardner, as the same may be amended from time to time. No permit, special permit or variance may be granted for a marijuana retail establishment which results in a violation of this limit;

SECTION 2: That this ordinance take effect upon passage and publication as required by law.

Chapter 40A Section 5 Of the General Laws

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 40A ZONING

Section 5 ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS;

PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to

the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of

all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
- (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;
- (3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

[Clause (4) of the fifth paragraph effective until July 29, 2021. For text effective July 29, 2021, see below.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

[Clause (4) of the fifth paragraph as amended by 2021, 29, Sec. 11 effective July 29, 2021. For text effective until July 29, 2021, see above.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.

[Two paragraphs following the fifth paragraph added by 2021, 29, Sec. 12 effective July 29, 2021.]

Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote.

If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such

claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

Correspondence from Mayor Nicholson
Withdrawn by City
Council on April 18,
2023

10893 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

On a motion made by Councillor Aleksander Dernalowicz, seconded by Councillor George Tyros, it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh to APPROVE the Mayor's request to *leave to withdraw*.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO AMEND SECTION 1070 THEREOF, ENTITLED, "MARIJUANA ESTABLISHMENTS" TO INCREASE THE QUOTE ALLOWED BY THE CODE OF THE CITY OF GARDNER.

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

SECTION 1: Subsection (C)(8)(b) of Section 1070 of Chapter 675 of the Code of the City of Gardner be amended by replacing "20%" with "35%" as follows:

b) The number of marijuana retail establishments shall not exceed 35% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;

SECTION 2: That this ordinance take effect upon passage and publication as required by law.

A TRUE COPY, ATTEST:

Tite Singham
CITY CLERK, CITY OF GARDNER

In City Council

February 21, 2023

Vote Passed

April 18, 2023
9 yeas, 0 nays.

ATRUE COPY ACTORY

CITY CHES CITY OF ARONER



City of Gardner - Executive Department

Mayor Michael J. Nicholson

2023 APR 14 AM 8:00

April 14, 2023

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

RE: Request for Leave to Withdraw - Item 10893

Dear Madam President and Councilors,

As a means to make sure all proper procedures were followed as laid out by the General Laws for Zoning Amendments to the City Ordinances and to allow for a greater amount of time for public dialogue and input on the aforementioned matter, I respectfully request leave to withdraw Item 10893 from the Council Calendar, with the intent that this later be put forward again for consideration following the procedures outlined in the General laws of the Commonwealth.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

CITY OF GARDNER





April 13, 2023

Elizabeth Kazinskas, Council President C/o Titi Sirphan, City Clerk 95 Pleasant Street, Room 121 Gardner, MA 01440

RE: **Petition 10893** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

Dear President Kazinskas:

At the Planning Board meeting held on Tuesday, April 11, 2023, the Board voted unanimously (5-0) to recommend approving the proposed zoning amendment referenced above based on the information provided to them by the petitioner.

Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

Markell Schofen

C: Mayor Michael J. Nicholson
Trevor M. Beauregard, Director
Richard Hanks, Interim Building Commissioner

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440 *Telephone:* (978) 630-4011 ◊ Facsimile: (978) 632-1905 ◊ CDBG (978) 632-3800

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

March 30, 2023

Elizabeth Kazinskas, Council President C/o Titi Sirphan, City Clerk 95 Pleasant Street, Room 121 Gardner, MA 01440

RE: **Petition 10893** – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to Amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

Dear President Kazinskas:

At its meeting on March 22, 2023, the Planning Board voted unanimously, 5-0, to recommend approving the proposed zoning amendment referenced above based on the information provided to them by the petitioner.

The Planning Board looks forward to joining the City Council at the joint public hearing scheduled on Monday, April 3, 2023, at 6:30 p.m. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

Warklet Schofen

C: Mayor Michael J. Nicholson Trevor M. Beauregard, Director

Richard Hanks, Interim Building Commissioner

City Hall Annex, 115 Pleasant Street, Room 201, Gardner, Massachusetts 01440 *Telephone:* (978) 630-4011 \$\rightarrow\$ Facsimile: (978) 632-1905 \$\rightarrow\$ CDBG (978) 632-3800



City of Gardner - Executive Department

Mayor Michael J. Nicholson

CITY CLERK'S OFFICE

March 29, 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 #10893: An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to amend Section 1070 thereof, entitled "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner

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

I am writing in support of the aforementioned zoning amendment proposal.

When the retail sale of cannabis products was legalized in the Commonwealth in 2019, several municipalities, including Gardner, took steps to heavily regulate the industry since we didn't really know what would happen once the cannabis industry became legalized.

Since then we have seen that commercial enterprises like these do not cause as much of a strain on our services as we had originally been concerned about and have not been a public safety concern at all for us.

This proposal seeks to loosen the market constraints in the City and simply let the economic market be the market. If the City does not have the capability of handling more up to four (4) retain cannabis stores, then the market will correct itself for that.

An example of this can be seen with the regular tobacco/vape smoke shops that used to exist in the Downtown area. These businesses, unregulated in terms of number of facilities that could open in the City, were not marketed by the City and simply opened and then consolidated from five (5) to one (1) on their own because that was all the market was able to carry.

The purpose of this amendment, while it also provides a financial benefit to the City through statutorily required sales tax and host community agreement fees, is simply to relax some of the regulations placed on this industry and let the City's economy play itself out. This does still regulate the retail cannabis industry to four (4) locations, but it at least looses the restriction of only being able to allow two (2) locations in the City.

Respectfully.

Michael J. Nicholson Mayor, City of Gardner



CITY of GARDNER Office of the City Clerk

95 Pleasant Street, Room 121 Gardner, MA 01440 *Tel. 978-630-4058 *Fax: 978-630-2589

CITY OF GARDNER NOTICE OF JOINT PUBLIC HEARING, continued

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, April 3, 2023** at 6:30 P.M. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

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

Information regarding this amendment is available for viewing in the City Clerk's Office, the Department of Community Development and Planning (DCDP), or on the City's webpage – www.gardner-ma.gov.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

Jiti Siripham
Titi Siriphan
City Clerk

Item 10983 Withdrawn by City Council Vote - 4/18/2023 10893



CITY of GARDNER Office of the City Clerk

95 Pleasant Street, Room 121 Gardner, MA 01440 *Tel. 978-630-4058 *Fax: 978-630-2589

CITY OF GARDNER NOTICE OF JOINT PUBLIC HEARING

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday**, **March 20**, **2023** at **6:30 P.M**. in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

- 10891 An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled "Zoning," to Change the Classification of Certain Parcels of Land Along Route 140.
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Information regarding this amendment is available for viewing in the City Clerk's Office, the Department of Community Development and Planning (DCDP), or on the City's webpage – www.gardner-ma.gov.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

Jiti Siriphan
City Clerk



City of Gardner · Executive Department

Mayor Michael J. Nicholson

February 3, 2023

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

RE: An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled "Zoning," to amend Section 1070 thereof, entitled, "Marijuana Establishments" to increase the quota allowed by the Code of the City of Gardner.

Dear Madam President and Councilors,

As you are aware, in 2018, the retail sale of cannabis products became legalized in the Commonwealth.

When the City adopted the sale of Marijuana into our ordinances in November of 2018, the ordinances limited the number of establishments that could open in the City for the retail sale of cannabis to twenty percent (20%) of "license issues for retail sale of alcohol not consumed on the premises." (Code of the City of Gardner 675-1070(C)(8)(b)).

Whereas the City is currently issued ten (10) liquor licenses that fit this category, this provision of the City Code limited the number of retail cannabis locations to two (2) locations in the City.

One of the main reasons this quota limit was drafted was due to uncertainty as to how this new market would run its course in the City and the Commonwealth as a whole. However, since then, we have seen that these businesses do not provide a detriment to the City, and have seen the financial benefit the City receives from this as well.

The City currently has one retail location open with Sanctuary, with a second location – Bloc Cannabis – permitted at the Timpany Crossroads location.

This attached ordinance amendment proposal would increase the number of locations allowed in the City from two (2) to four (4). It is the belief of the Administration that this would allow more economic activity in the City based on inquiries that we have seen, keep the industry within a workable range that we are seeing in market trends with the cannabis industry around the Commonwealth, and done with the full support of our public safety departments.

Respectfully Submitted.

Michael J. Nicholson Mayor, City of Gardner

CC.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO AMEND SECTION 1070 THEREOF, ENTITLED, "MARIJUANA ESTABLISHMENTS" TO INCREASE THE QUOTE ALLOWED BY THE CODE OF THE CITY OF GARDNER.

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

SECTION 1: Subsection (C)(8)(b) of Section 1070 of Chapter 675 of the Code of the City of Gardner be amended by replacing "20%" with "35%" as follows:

b) The number of marijuana retail establishments shall not exceed 35% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;

SECTION 2: That this ordinance take effect upon passage and publication as required by law.

Withdrawn by City Council Vote - 4/18/2023

10893



CITY OF GARDNER POLICE DEPARTMENT

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



Eric P. McAvene Chief of Police

Nicholas P. Maroni Deputy Chief of Police

February 2, 2023

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

Re: Retail Marijuana Ordinance

Dear Mayor,

After reviewing the proposed ordinance change from two retail dispensary licenses to four, I do not see any issue with this particular change moving forward. Retail marijuana dispensaries have been operating in the state for the past few years and are closely monitored and regulated by the Cannabis Control Commission. Any retail dispensaries are required to have pre-determined surveillance camera coverage (inside and outside) and purpose-built safes for stored retail product. This is in addition to physical security during operating hours.

The Gardner Police Department has responded to calls at the current recreational retail dispensary, but the vast majority of the calls are general service calls (accidents, lockouts, burglar alarms, etc.). The police department rarely deals with anything else there.

We have conducted "compliance checks" at Sanctuary using underage youths to enter and purchase cannabis products. Sanctuary has never failed a compliance check. In fact, no youth has ever made it past the front door. I have spoken to law enforcement in other host dispensary locations and have not heard of any major issues.

If there are any further questions or concerns, please do not hesitate to contact me.

Very truly yours,

Eric P. McAvene Chief of Police

Withdrawn by City Council Vote - 4/18/2023 City of Gardner



Department of Inspectional Services 115 Pleasant Street, Room 101 Gardner, MA 01440

Tel. (978) 630-4007 Fax: (978) 632-3313

Feb. 7, 2023

RE: Marijuana Retail Establishments

Dear Mr. Mayor,

I believe the text amendment regarding the number of Marijuana Retail Establishments will only increase opportunities in the City for revenue, and jobs. From a Zoning standpoint I have seen no ill effects from the existing Marijuana Facility. I currently have an application for a Building permit for a second facility which would leave us with no additional licenses. This would in effect tie our hands regarding further growth. I am in full support of this proposal.

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

Roland Jean

Building Commissioner/Zoning Enforcement Officer

City Hall Annex

115 Pleasant St. RM 101

Gardner, MA 01440

(978) 630 4007

rjean@gardner-ma.gov

Mission Statement

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

Mayor

From:

John Richard

Sent:

Wednesday, February 1, 2023 11:14 AM

To:

Mayor

Subject:

Marijuana Fees History

Hi Mike

Here you go.

Description	2023 Actual	2022 Actual	2021 Actual	2020 Actual	2019 Actual
MARIJUANA HCA FEES	5 26,367.11	\$124,076.56	\$ 132,015,11	\$ 118 394 64	\$47.072.12
MARIJUANA SALES EXCISE TAX	\$104,773.64	\$237,668.25	\$ 306,969.74	\$ 383,850.54	\$50,330,46
				\$ 502,245.18	

John Richard

City Auditor



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

Mayor

From:

Ashley Metivier

Sent:

Wednesday, February 1, 2023 11:04 AM

To:

Mayor

Subject:

Liquor Retail - Not Consumed on Premise

Hi Mike,

We have 10 locations licensed as retail sale, not consumed on premises:

Malt/Wine Packaged Goods

Town Convenience, 13 Pine St BP, 221 Main St South Gardner Mini Mart, 94 S. Main St Jays Variety, 32 E. Broadway Price Chopper, 500 Main St

All Alcohol Packaged Goods

Beauregard Liquors, 11 West St Brazells, 201 Pleasant St Hannaford, 14-20 Timpany Blvd Gardner Spirits, 364 Timpany Blvd Anthony's, 12 Pearson Blvd

Let me know if you need any more information!

Ashley Metivier

Administrative Assistant/License Commission Clerk

City of Gardner 95 Pleasant St, Room 29 Gardner, MA 01440 P: 978-630-4013 Ext: 8042

F: 978-632-4682

E: AMetivier@gardner-ma.gov

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Current
Ordinance

City of Gardner, MA Friday, February 3, 2023

Select Language ▼

Chapter 675. Zoning

Article X. Supplemental Regulations

§ 675-1070. Marijuana establishments.

A. Purpose.

- (1) To provide for the placement of marijuana establishments in appropriate places and under conditions in accordance with the provisions of MGL c. 94G.
- (2) To minimize the adverse impacts of marijuana establishments on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other sensitive land uses potentially incompatible with said establishments.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and discontinuance of marijuana establishments.

B. Applicability.

- (1) No marijuana establishment shall be established except in compliance with the provisions of § 675-410 (Schedule of permitted uses) and this § 675-1070 (Marijuana establishments).
- (2) Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of Class 1 Controlled Substances.
- (3) If any provision of this section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.
- C. General requirements and conditions for all marijuana establishments.
 - (1) All marijuana establishments shall be contained within a building or structure.
 - (2) The hours of operation of marijuana establishments shall be set by the special permit granting authority.
 - (3) No marijuana establishment property line shall be located within 500 linear feet of a lot line where the following districts, activity, or uses occur:
 - (a) (Reserved)[1]
 - [1] Editor's Note: Former Subsection C(3)(a), regarding nonconforming residential dwellings, was repealed 9-3-2019 by Ord. No. 1625.
 - (b) Any church, public or private school or child-care facility; or place where minors frequent (e.g., a library, ball field, park, sports or family recreation facility, religious facility or the like);
 - (c) Any other marijuana establishment:
 - (d) Any drug or alcohol rehabilitation facility; or
 - (e) Any correctional facility, halfway house or similar facility.
- (4) No smoking, burning or consumption of any product containing marijuana or marijuana-related 10983 with the premises of a marijuana establishment 10983

- 5) No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.
- (6) Marijuana establishments shall provide the Gardner Police and Fire Departments, Building Commissioner, Board of Health, and the special permit granting authority with the names, phone numbers and e-mail addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- (7) The City shall have access at any time to inspect the premises of the marijuana establishment to ensure compliance with local and state regulations, excluding client health information protected under the Health Insurance Portability and Accountability Act of 1996.
- (8) Pursuant to MGL c. 94G, § 3(a)(2)(i) to (iii), the maximum number of licensed marijuana establishments in the City shall be consistent with the following provisions:
 - (a) Shall not prohibit one or more types of marijuana establishment;
 - (b) The number of marijuana retail establishments shall not exceed 20% of liquor licenses issued for retail sale of alcohol not consumed on the premises in the City of Gardner, said number to be rounded up to the next whole number;
 - (c) The number of marijuana establishments shall not prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017, to a marijuana establishment engaged in the same type of activity. [Amended 9-3-2019 by Ord, No. 1625]

D. Special permit requirements.

- (1) No special permit for any marijuana establishment shall be issued without site plan approval first having been obtained from the Planning Board, § 675-1010, Site plan review, of this chapter. In addition to the standards set forth within, the site plan must meet all dimensional, parking, landscaping, and signage requirements within this chapter.
- (2) A marijuana establishment shall only be allowed by special permit from the Gardner Planning Board in accordance with MGL c. 40A, § 9, subject to the following statements, regulations, requirements, conditions and limitations.
- (3) A special permit for a marijuana establishment shall be limited to one or more of the following uses that shall be specified by the special permit granting authority:
 - (a) Marijuana cultivator:
 - (b) Marijuana product manufacturer:
 - (c) Marijuana retailer;
 - (d) Marijuana testing facility;
 - (e) Marijuana transportation or distribution facility; and
 - (f) Any other type of licensed marijuana-related business.
- (4) In addition to the application requirements set forth above, a special permit application for a marijuana establishment shall include the following:
 - (a) The name and address of each owner of the establishment;
 - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the establishment;
 - (c) Evidence of the applicant's right to use the site of the establishment for the establishment, such as a purchase and sale agreement, deed, owner's authorization, or lease;
- (d) Proposed security measures for the marijuana establishment, including lighting, fencing, gates litem 10983 and alarms, etc., to ensure the safety of persons and to protect the premises from theft. A letter Withdrawn by City Council Vote 4/18/2023

Item 10983 Withdrawn by City Council Vote - 4/18/2023
from the City of Gardner Police Chief, or designee, acknowledging review and approval of the

marijuana establishment security plan is required. To the extent allowed by law, all such documents shall be confidential.

- (5) Mandatory findings. The special permit granting authority shall not issue a special permit for a marijuana establishment unless it finds that:
 - (a) The establishment is designed to minimize any adverse impacts on abutters and other parties in interest, as defined in MGL c. 40A, § 11.
 - (b) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations; and
 - (c) The applicant has satisfied all the conditions and requirements set forth herein.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or leasehold of the premises as a marijuana establishment. A special permit may be transferred only with the approval of the special permit granting authority in the form of an amendment to the special permit with all information required in this § 675-1070.
- E. Abandonment or discontinuance of use.
 - (1) A special permit shall lapse if not exercised within one year of issuance.
 - (2) A marijuana establishment shall be required to remove all personal property, including but not limited to all material, plants, equipment, accessories, paraphernalia, and any other property no later than the earliest of:
 - (a) Prior to surrendering its state-issued licenses or permits; or
 - (b) Within six months of ceasing operations.



April 19, 2023

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

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

Dear Madam President and Colleagues,

At the April 18th, 2023 Meeting of the City Council, we voted to grant the Mayor Leave to withdraw Item 10891 due to concerns regarding the process outlined in Chapter 40A, Section 5 of the General Laws.

We believe this proposal to have been in the best interest of the City of Gardner, as a way to build our economic base, provide for our residents, and plan for our future. We cannot stay stagnant as a City and must continue to do everything we can to better Gardner for ourselves and future generations of Gardnerites — which is what we believe this original proposal provided for the City.

Whereas Section 5 of Chapter 40A of the General Laws states that the City Council may initiate Zoning Amendments, we, as City Councilors, working in the best interest of the City and our Constituents, propose this ordinance and request that the City Council refer this Item to the Planning Board and schedule a joint public hearing.

We have attached the relevant section of the General Laws and the original proposal submitted by Mayor Nicholson that was formally withdrawn and removed by the City Council to this correspondence for supporting materials.

Ward 3 Councilor

Respectfully submitted,

Dana Heath

Ward 2 Councilor

Karen Hardern Ward 4 Councilor George Tyros

Councilor At-Large

James Boone

Councilor At-Large

Ordinance Document

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.

WHEREAS, the City of Gardner is the owner of two parcels of land comprising approximately 177 acres as herein described on Green Street, also known as Route 140, which are currently vacant land zoned as Rural Residential 2; and

WHEREAS, the City of Gardner has few large parcels of land available for commercial development; and

WHEREAS, pursuant to the purposes of Gardner's Zoning Ordinance as stated in Chapter 675, Section 110, it would promote the general welfare of Gardner's inhabitants and increase the amenities of the City to allow economic development of the subject parcels for commercial uses, which are expected to increase employment opportunities, retail services and the City's tax base; and

WHEREAS, it would also promote the purposes of Gardner's Zoning Ordinance to protect the health and safety of its inhabitants by limiting residential development along the Route 140 corridor to reduce the number of potential single family driveways with direct access to Route 140, as a means of improving traffic safety; and

WHEREAS, a change in the subject parcels' zoning designation to the Commercial 2 zoning district will best meet these public purposes;

NOW, THEREFORE, The Undersigned Petitioners request that the City Council enact the following Ordinance:

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 zoning district 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 a portion of M47-24-1 (that portion west of bike trail parcel M42-20-7 as designated by maps submitted herewith) 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.

Chapter 40A Section 5 Of the General Laws

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 40A ZONING

Section 5 ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS;

PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to

the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

10974

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

Except as provided herein, no zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a two-thirds vote of a town meeting; provided, however, that the following shall be adopted by a vote of a simple majority of

all members of the town council or of the city council where there is a commission form of government or a single branch or of each branch where there are 2 branches or by a vote of a simple majority of town meeting:

- (1) an amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;
- (2) an amendment to a zoning ordinance or by-law to allow by special permit: (a) multi-family housing or mixed-use development in an eligible location; (b) an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed use development pursuant to section 9; (c) accessory dwelling units in a detached structure on the same lot; or (d) a diminution in the amount of parking required for residential or mixed-use development pursuant to section 9;
- (3) zoning ordinances or by-laws or amendments thereto that: (a) provide for TDR zoning or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality; or (b) modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements to allow for additional housing units beyond what would otherwise be permitted under the existing zoning ordinance or by-law; and

[Clause (4) of the fifth paragraph effective until July 29, 2021. For text effective July 29, 2021, see below.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R. Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote. If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

[Clause (4) of the fifth paragraph as amended by 2021, 29, Sec. 11 effective July 29, 2021. For text effective until July 29, 2021, see above.]

(4) the adoption of a smart growth zoning district or starter home zoning district in accordance with section 3 of chapter 40R.

[Two paragraphs following the fifth paragraph added by 2021, 29, Sec. 12 effective July 29, 2021.]

Any amendment that requires a simple majority vote shall not be combined with an amendment that requires a two-thirds majority vote.

If, in a city or town with a council of fewer than 25 members, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty. If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such

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claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.

Legal Opinion Providing Spot Zoning Analysis



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 26, 2023

City Councilors Heath, Tyros, Hardern, Boone, and Tassone Gardner City Hall, Rm 121 95 Pleasant St Gardner, MA 01440

RE: Spot Zoning Legal Opinion

Dear Councilors,

You have requested the legal opinion that the Administration requested regarding a spot zoning analysis of the former Zoning Amendment Proposal that was listed as Item 10891 that was voted to be withdrawn by the City Council a their meeting of April 18, 2023.

Due to the nature of this request, the Administration requested an opinion by an attorney recognized as a zoning expert.

The City Solicitor's Office is certainly able to answer any further questions. This was done just as a matter of due diligence and double checking the City's work.

Please note this opinion was requested before the original proposal was withdrawn, but received after that vote took place- which explains the wording of "pending before the City Council" referenced in the opinion.

The opinion is attached to this letter.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner



Christine M. Tree ctree@christinetreelegal.com Anthony Zarrella, Of Counsel azarrella@christinetreelegal.com

April 24, 2023

Mayor Michael J. Nicholson Gardner City Hall, Rm 125 95 Pleasant St Gardner, MA 01440

Re:

Petition #10891, Zoning Map Amendment

Spot Zoning Opinion

Dear Mayor Nicholson:

I am writing in response to your request for an opinion on whether the Zoning Map Amendment petition under consideration by the City Council would be subject to a claim of invalidation due to application of the "spot zoning" doctrine, so-called.

I have reviewed the original and amended petitions filed, and have viewed the recorded joint City Council and Planning Board meeting and the Public Welfare Committee meeting. I was unable to find a recording of the Traffic Commission meeting. The original petition raised no concern of spot zoning. The amended petition, which asks for a change of zoning district from RR2 to COM2 on just two City-owned parcels constituting 177 acres, does raise a question of spot zoning given that there are only two parcels involved, both singled out and across the street from each other. After examination, however, it is my opinion that in this instance the amendment does not constitute spot zoning due to the ownership¹ of the two parcels by the City of Gardner and the fact that their rezoning to commercial use is in furtherance of the public welfare.

One case gives caution that maximization of the municipality's sale price for the parcels cannot be the sole reason for the zoning action. "The question presented is whether, on the facts of this case, there is a municipal exception to that principle — a different rule when the parcel owner is the municipality itself rather than a private party. The town seeks to raise money from the sale for its general fund. Is that goal enough, untethered from any land planning purpose? I find that it is not. Zoning must be based on permissible land use planning objectives, [citations omitted], and "[t]here must be a showing of some substantial relation between the zoning code amendment and the general objectives of the enabling act" id. at 309. Simply raising money for the town's general fund is not within the objectives of that act, and is thus outside

In general, "illegal spot zoning occurs only where there is "a singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, all for the economic benefit of [or detriment to] the owner of that lot," Lanner v. Bd. of Appeal of Tewksbury, 348 Mass. at 229. However, even if one lot is singled out, it is perfectly acceptable for a zoning amendment to benefit or harm a landowner, provided that the zoning also advances a valid public purpose. See Bd. of Appeals of Hanover v. Hous. Appeals Comm., 363 Mass. 339, 361-62 (1973). Thus, whether or not a lot with the same or substantially similar characteristics to surrounding lots receives different zoning treatment, so long as there is a valid public purpose or benefit related to the differing treatment. "A court will invalidate a zoning by-law only if it is shown to be arbitrary and unreasonable, or substantially unrelated to the public health, safety, morals or general welfare." Shortsleeve v. Town of Edgartown, 4 LCR 14, 16 (Mass. Land Ct. 1996.

When Tewksbury rezoned five acres of privately owned farmland to allow for the development of a supermarket, a claim of spot zoning failed because the opening of a supermarket was in furtherance of the public welfare, and thus in accord with the purposes of the zoning enabling act. "[T]he amending power may not be invoked solely to confer an economic benefit upon the owner of a comparatively small area within an essentially residential district. [citations omitted]. The test is whether there has been shown any substantial relation between the amendment and the furtherance of any of the general objects of the enabling act. [citations omitted]. The promotion of the public welfare, as that term is fairly broadly construed, is chief among the purposes of the enabling statute." Lanner v. Board of Appeal, 348 Mass. 220, 228 (1964).

A similar spot zoning claim failed when Brimfield rezoned a parcel occupied by the town's largest employer, and only manufacturing enterprise, as industrial so that it could expand its operations, resulting in further hiring and preventing the manufacturer from leaving the town, as this zoning amendment promoted the public welfare. "It is clear that the petitioners have not sustained the heavy burden of proof placed upon one attempting to invalidate a zoning by-law as spot zoning. As was emphasized in *Crall* v. *Leominster*, 362 Mass. 95, 103 (1972): 'To sustain that burden they must prove facts which compel a conclusion that the question whether the amendment falls within the enabling statute is not even fairly debatable.'" Raymond v. Building Inspector of Brimfield, 3 Mass. App. Ct. 38, 43 (1975).

North Attleborough rezoned a 37-acre residential parcel to commercial upon petition of an affected landowner, who intended to construct a shopping mall. Although the private landowner benefitted, the court found that this did not constitute spot zoning as the reclassification promoted

the "public purposes" that zoning contemplates." McLeod v. Town of Swampscott, 2014 Mass. LCR LEXIS 28, at *26 (Land Ct. Mar. 4, 2014).

the Town's economic interests. "The trial judge found that the town previously had rezoned sixty acres of commercial land to residential use and that the present amendment compensates for the loss of those sixty commercial acres. Further, it serves to increase the town's tax base and will likely increase the availability of retail services and employment opportunities. Citing Martin v. Rockland, 1 Mass. App. Ct. 167, 169, 294 N.E.2d 469 (1973), and Sullivan v. Acton, 38 Mass. App. Ct. 113, 117, 645 N.E.2d 700 (1995), for the respective propositions that "commercial development is a proper public goal that is appropriately achieved through zoning" and that it is proper to "concentrate future development in a particular area," the trial judge concluded: "[The] locus, a parcel of vacant land adjacent to a commercial district on a main thoroughfare connecting two major metropolitan areas, can reasonably be viewed as [***8] an 'obvious area' for the expansion of an existing commercial zone." We agree." Rando v. Town of N. Attleborough, 44 Mass. App. Ct. 603, 606 (1998).

Spot zoning claims were also rejected in adoption of a flood plain control district in Amherst ("A municipality validly may enact and amend a flood plain zoning by-law so long as there is a 'substantial relation between the amendment and the furtherance of the general objects of the enabling act." Andrews v. Town of Amherst, 68 Mass. App. Ct. 365, 375 (2007)), and in a Boston historic preservation district ("[T]he record shows, not an indiscriminate assignment of different zoning classifications, see *National Amusements, Inc.* v. *Boston*, 29 Mass. App. Ct. 305, 312, 560 N.E.2d 138 (1990), but calculated efforts by public authorities, with much support by the citizenry, to preserve within reason the historic residential character of the Triangle. This is a goal surely within the purview of the enabling act." Fabiano v. City of Boston, 49 Mass. App. Ct. 281, 286 (2000)).

Where the parcel is owned by the municipality, the Court usually grants deference to choices made as part of the legislative process. This has included an eight acre parcel rezoned to install an incinerator, <u>Gilmore v. Quincy</u>, 346 Mass. 22 (1963) and rezoning to permit construction of affordable housing by the local housing authority, <u>Lamarre v. Commissioner of Pub. Works</u>, 324 Mass. 542 (1949).

So long as there is a reasonable relation between the zoning action and the public interest, the Court will not delve into the actual motivations of voters or legislators. "If the reasonableness of a zoning bylaw is even "fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained." Crall v. Leominster, 362 Mass. 95, 101, 284 N.E.2d 610 (1972). Such an analysis is not affected by consideration of the various possible motives that may have inspired legislative action. See Merriam v. Secretary of the Commonwealth, 375 Mass. 246, 253, 376 N.E.2d 838 (1978), quoting Morgan v. Banas, 331 Mass. 694, 698, 122 N.E.2d 369 (1954) ("courts cannot, for the purpose of determining the validity of legislation, receive evidence of the inducements and motives of the legislators in enacting it"); Simon v. Needham, 311 Mass. 560, 566, 42 N.E.2d 516 (1942) ("action of the voters is not to be invalidated simply because someone presented a reason that was unsound or insufficient in law to support the conclusion for which it was urged"); Boston v. Talbot, 206 Mass. 82, 91, 91 N.E. 1014 (1910), quoting Soon Hing v. Crowley, 113 U.S. 703, 710-711, 28 L. Ed. 1145, 5 S. Ct. 730 (1885) ("courts cannot inquire into the motives of the legislators in passing lenactments] The

diverse character of such motives, and the impossibility of penetrating into the hearts of men and ascertaining the truth, precludes all such inquiries as impracticable and futile"). <u>Durand v. IDC Bellingham, L.L.C.</u>, 440 Mass. 45, 51-52 (2003).

In the present case, Gardner owns two parcels which border on Route 140, a main thoroughfare running through the City and connecting it to Winchendon and Westminster. Gardner would like these two parcels developed commercially for the promotion of economic growth and an increase of employment in the City. These two parcels represent a very limited number of high acreage parcels available in the City for potential commercial development. In addition, a traffic study noted that the current residential zoning of the parcels in this area of Route 140 could lead to multiple driveway entrances for single family residences, which would decrease traffic safety on the roadway pursuant to a regional study. Though singled out from the surrounding parcels, there is a colorable argument that these parcels differ due to the lack of watershed property on either parcel, as opposed to their neighbors, and are not held for public use under Chapter 93. These parcels also do not have any history of residential use.

The purpose of Gardner's zoning ordinance is "to promote the general welfare of the City of Gardner, to protect the health and safety, convenience and general welfare of its inhabitants, to encourage the most appropriate use of land throughout the City, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the City, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them..." §675-110. Zoning amendments designed to increase economic development and employment unquestionably fall within the "general welfare" purposes of the zoning ordinance.

For these reasons, it is my opinion that if the proposed zoning map amendment were challenged, that the amendment would not constitute impermissible spot zoning.

Sincerely,

Christine M. Tree, Esq.

CMT/jjr

Correspondence from Mayor Nicholson
Withdrawn by City
Council on April 18,
2023

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.

On a motion made by Councillor Aleksander Dernalowicz, seconded by Councillor George Tyros, it was voted on call of the roll, nine (9) yeas, President Elizabeth Kazinskas and Councillors James Boone, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Karen Hardern, Judy Mack, George Tyros, and James Walsh to APPROVE the Mayor's request to leave to withdraw.

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.

<u>SECTION 2:</u> 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.

A TRUE COPY, ATTEST:

CITY CLERK, CITY OF GARDNER

In City Council

February 21, 2023

April 18, 2023 Vote Passed

9 yeas, 0 nays.

A TRUE COPY, AFTESTS

CITY CLERK, CITY OF GARDNER

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

10891



City of Gardner - Executive Department

Mayor Michael J. Nicholson

2013 APR 14 AM 8: 00

April 14, 2023

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

RE: Request for Leave to Withdraw - Item 10891

Dear Madam President and Councilors,

As a means to make sure all proper procedures were followed as laid out by the General Laws for Zoning Amendments to the City Ordinances and to allow for a greater amount of time for public dialogue and input on the aforementioned matter, I respectfully request leave to withdraw Item 10891 from the Council Calendar, with the intent that this later be put forward again for consideration following the procedures outlined in the General laws of the Commonwealth.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

10891

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



April 13, 2023

Elizabeth Kazinskas, Council President C/o Titi Sirphan, City Clerk 95 Pleasant Street, Room 121 Gardner, MA 01440

RE: Petition 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 from RR2 to Comm 2.

Dear President Kazinskas:

At the Planning Board meeting held on Tuesday, April 11, 2023, the Board voted by a 3-2 majority to recommend **not** approving the proposed zoning amendment noted above. The importance of maintaining the historic and current recreational uses of the City's open space identified in the Open Space and Recreation Plan, especially those in close proximity to our watershed land remains the reasoning that the majority of the Board does not support this proposed amendment.

In addition, while understanding the premise behind the petitioner's desire for additional developable commercial property for economic growth within the City, Board members noted other undeveloped commercial properties in the City and the number of vacancies in the current commercial/retail inventory that should be a higher priority. Lastly, the majority of the Board feel strongly that this location, given its current and historical uses, is not a practical location for commercial growth.

Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,

Mark M. Schafron, Planning Board Chairman

Markell Schofen

C: Mayor Michael J. Nicholson Trevor M. Beauregard, Director Richard Hanks, Interim Building Commissioner

10891

Written Testimony by Mayor Michael Nicholson Item #10891

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

10891



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:

Section	Title	Page
A	Feedback from Planning Board Meeting	2
В	Public Safety Concerns	2
C	Housing Production Concerns	5
D	Lease/Sale Method for Property	5
E	Recent Sale of City Properties and Economic Benefit	7
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Exhibit Listing		14

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 or 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.
- 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

A restrict

3 School St

\$ 223,700,00

Location	Assessagent	Annes	I for Collection
53 School St	\$ 223,700.00	\$	3,608.28
73 Stuart St	\$ 72,400.00	S	1,167.81
177 West St	\$ 49,700.00	S	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	S	1,000.06
20 Rock St	\$ 56,600.00	\$	912.96
Chelsea St	\$ 57,300.00	S	924.25
	TOTAL INCREASED TAX REVENUE:	\$	41.420.23

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

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

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

8 Paga

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 <u>does</u> 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 <u>Attachment S</u>, 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
В	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	1934 Map of City Watershed lands showing proposed parcels not watershed
N	1958 Map of City Watershed lands on 140 showing proposed parcels not watershed
0	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

Select Language 1

City of Gardner, MA Friday, March 24, 2023

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:

<u>PREAMBLE</u>: 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



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:

<u>PREAMBLE</u>: 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 31 1, R37 1-2, M42-11 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 <u>Massachusetts Department of Housing and Community Development</u> (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
Robert Hankinson
Gardner GIS Coordinator
Gardner City Engineer

Rob Hubbard Gardner Community Development and Planning Director

Neil Janssens Gardner City Councilor

Marie Auger
Karen Murphy

Domenica Tatasciore

Westminster Planning Board
Westminster Town Administrator
Westminster Town Planner

Ellen DeCouteau

Jim Kreidler

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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

	The state of the s								
	Undevelopable	Developed	Developable	Total					
Gardner	Acres	Acres	Acres	Acres					
C1 (Commercial)	4.75	16.65	21.50	42.6					
II (Industrial)	30.24	24.08	88.95	149.9					
12 (Industrial)	83.96	36.69	48.44	169.0					
RR (Rural Residential)	3,398.10	215.18	1,060.19	4,673.4					
SFR (Single Family Residential)	29.28	48.05	80.03	157,9					
Subtotal	3,546.81	340.62	1,298.89	5,185.8					
Percent	68.4%	6.6%	25.0%	100%					
Westminster									
Commercial - [59.92	37. 67	179.87	269.97					
Industrial-I	13.60	79.36	150.53	257.49					
Residential – I	28.07	76.83	129.70	234.60					
Subtotal	95.59	187.87	452.60	786.00					
Percent	13.0%	25.5%	61.5%	100%					
Winchendon									
CI (Commercial)	355.38	59.56	596.67	805.61					
(Industrial)	138.66	11.26	479.30						
R80-RR (Residential)	1,303.64	165.50	827.52	629,22					
ubtotal	1,797.68	250.52		2,296.66					
ercent	48.2%	6.2%	1,705.49	3,751.49 100.0%					
otal	5,439.58	758.81	3,454.98	9,653.37					
ercent	56.8%	7.9%	35.8%	100%					

Gardner

A shown in Table 1, only 25% of the study area in Gardner is available for development; 68.1% 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 1,500 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 5.0 million square feet of non-residential development. Over 500 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 FARI" 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 0.55 means that a 10,000-sq. ft. lot could accommodate 5,500 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, 756 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 15% 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 190 acres of Residential 1.

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

Route 140 North Corridor Study	Grand Total		Subtotal	Land Inside the WSPOD	Land Outside the Wapon	Rural Residential 2 - RRo	-SFR1	Single Family Residential 1	Industrial II - IND 2	Industrial I - IND 1	Commercial 1 - COM 1	Gardner			Subtotal	Residential - R1	Industrial - I1	Highway Commercial - C1	Westminster		Subtotal	Rural Residential - R80	THURSTIAL ~ I	rugaway Commercial - C1	Availcheildoll	of property of the property of
	3,454,99		1,298.90	307.20	752.99		80.09		+4.8+	88.99	21.30			+32.60	50.00	07 661	150.53	172.87			1,709.49	827.52	+79.30	396.67		Developable Area (Ac.)
								0.00	0.59	0.42	0.39						1.03	0.94					0.576	0.50+		Effective FAR
s	28,027,312		3,051,500					1,110,020	1 110 905	1,626,992	306,183			4,241,318		1,000,100	1 688 150	2,552,869			1.01. 1.62. 0.0		12,025,905	8,708,588		Square Feet of Floor Space
				0.872	0.841		0.872								0.825							0.8-16				Build Factor
				130,680	60,000		12,500	90,000	10,000	10,000	10,000				50,000	000,04	10,000				01,110	87 100	49,560	75,000		Min. Lot Size (Sq. ft.)
	1,240		790	89	+60		21.5							98	98					350	000	450				Dwelling Units
	2,383,893		1.01. 896			96,769	- 698 64	47.958	122,024	1.06.22	00 06.1		000,51	998.110	20,0-13	126,63+	191,165			1,627,257	12,170	2000	676 106	653.1.4		Water
Land !	3,091	1,002	1 000	010	080	0.7	1								267						296					New
Land Use Report Item 10	2572	319				av		by		100		of		- 1	50	ity			ını	:1	202		10	/2		New

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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 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 \$58,142 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 550 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 5.0 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 rezoning 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

Gateway Overlay District", where 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 \$47.4 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 \$81.1 acres, resulting in a decrease of 104 dwelling units at buildout. Table \$500 compares the Winchendon study area buildout under the base and alternative scenarios.

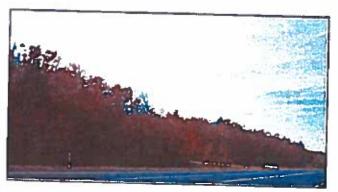
	Base Scenario	Gateway Scenario	Change
Developable Acres in RR	827.5	581.1	-246.4
Developable Acres in C-1	396.7	643.0	246.4
New Dwelling Units	350	216	-104
Commercial Floor Area	8,708,588	14,117,454	5,408,866
Industrial Floor Area	12,025,905	12,025,905	0
New Residents	962	676	-286
New Students	202	142	-60
Water Demand	1,627,257	2,011,435	984,178

Table 3
Winchendon Commercial Development Scenario

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 multifamily housing, including affordable units, to create town center-style developments. ln return encouraging housing production, a community receives incentive

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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 scenario². 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 L1-O	0	82.9	82.5
New Dwelling Units	792	749	-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	368,1-1-1	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.

² 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 1:40 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. Flowever, 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.

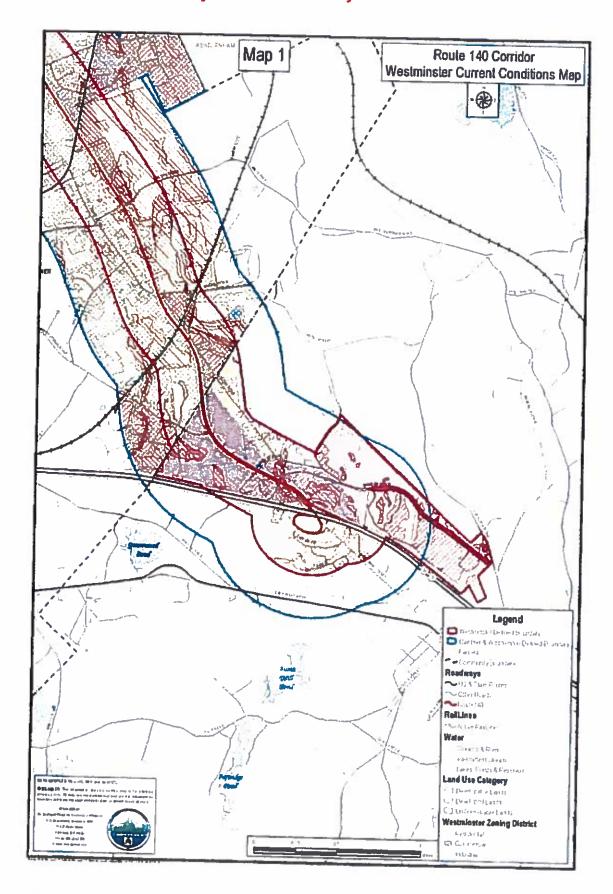
MRPC could take the lead by creating a process to develop model design standards applicable to similar highway corridors throughout its Region.

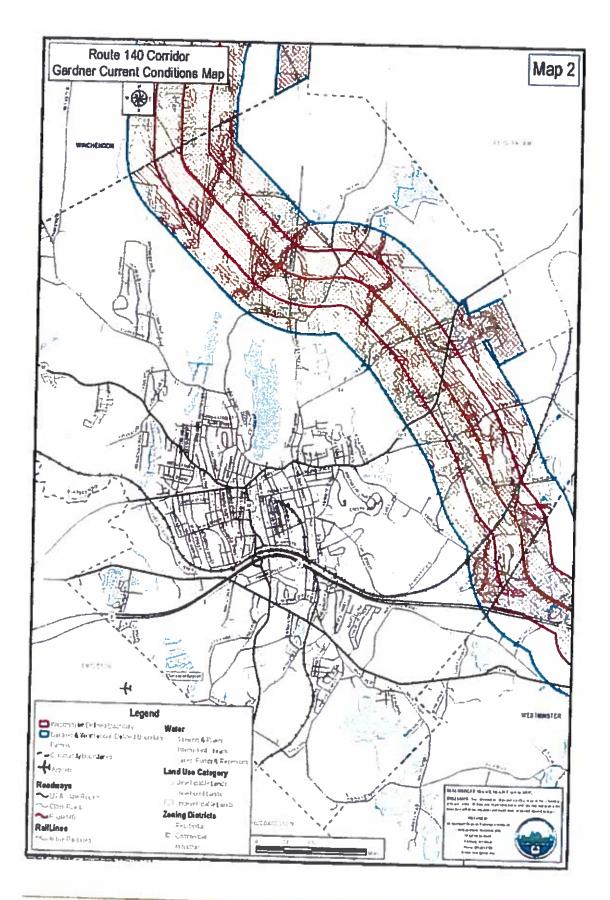
- 8. Continue to analyze re-zoning opportunities in Winchendon and Gardner as outlined in the alternative growth scenarios discussed above.
- 9. Provide connecting links to the North Central Pathway rail trail as a way to promote commuter access by bicycle. Continue to extend the trail along its entire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

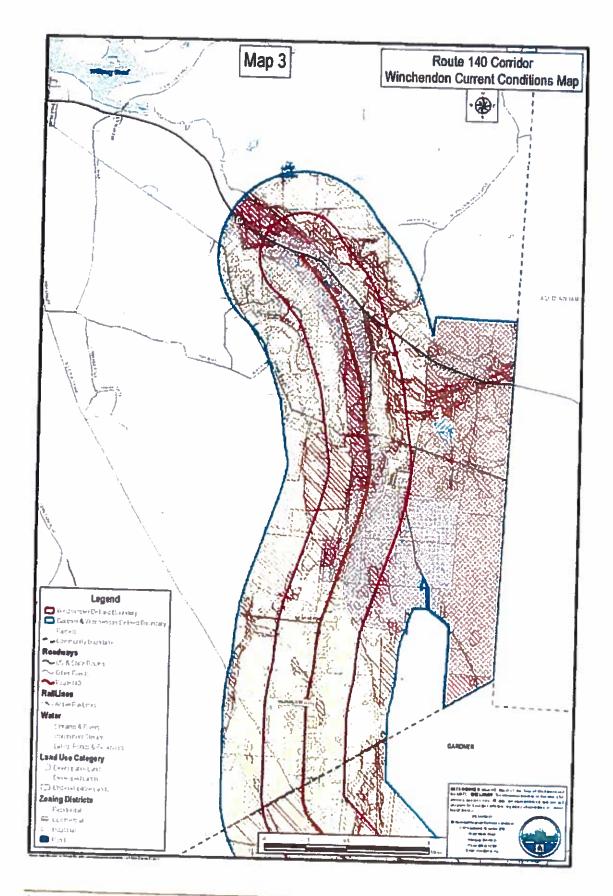
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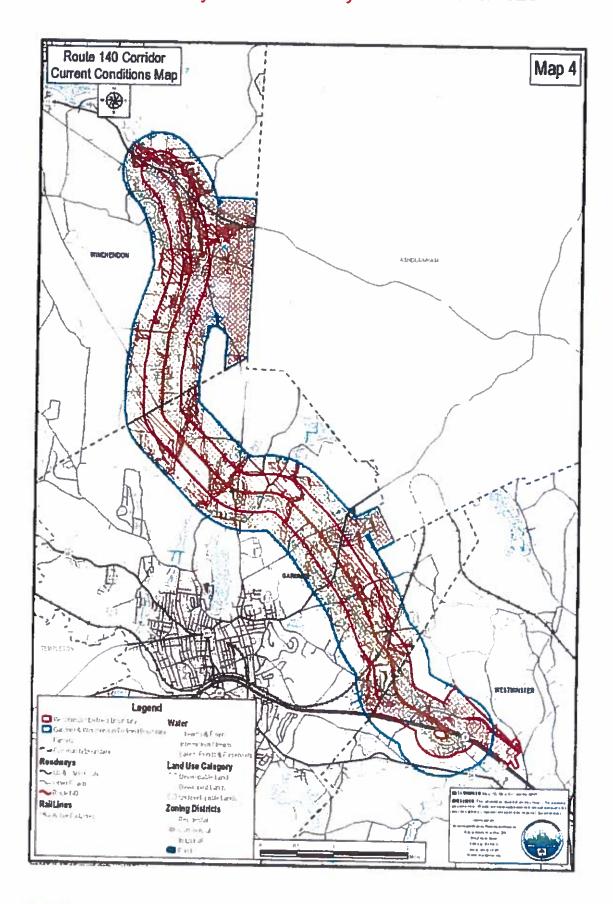
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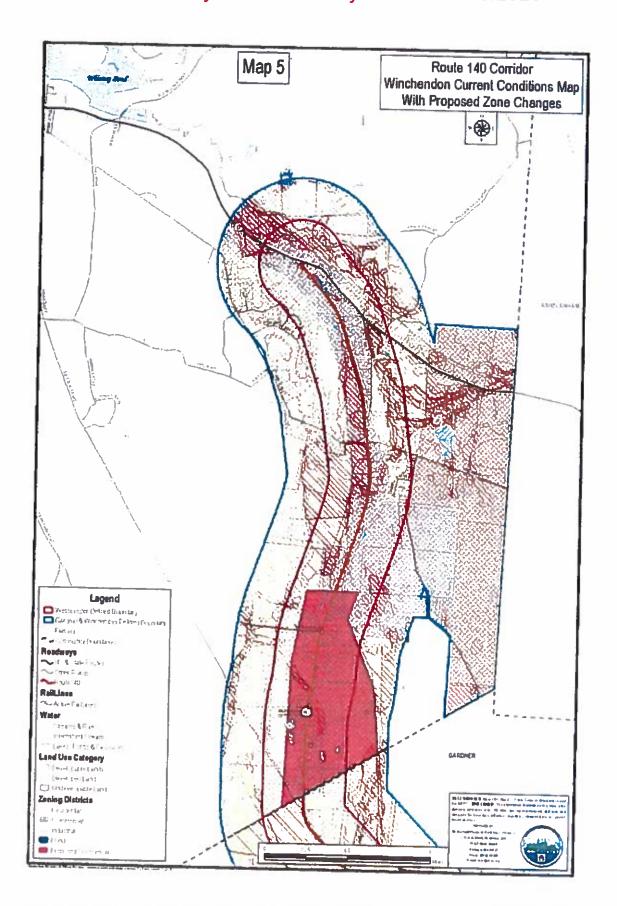
regional Highway Corridor Overlay District. MRPC could also assist in this endeavor. Such an approach would allow for inter-community consultation on major development projects, establish common design and development standards, and encourage access management techniques to preserve roadway capacity 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.

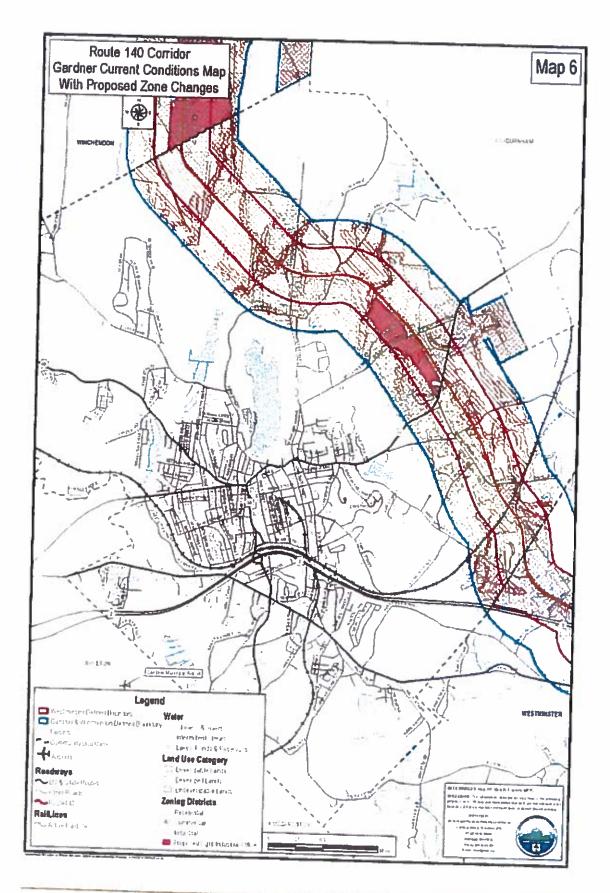




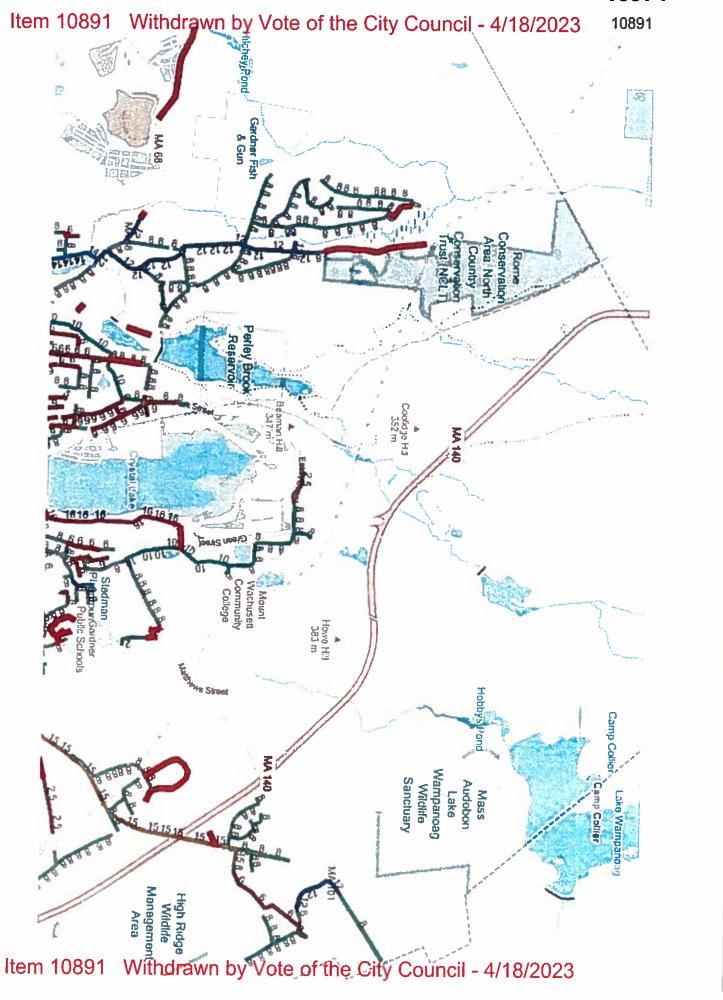




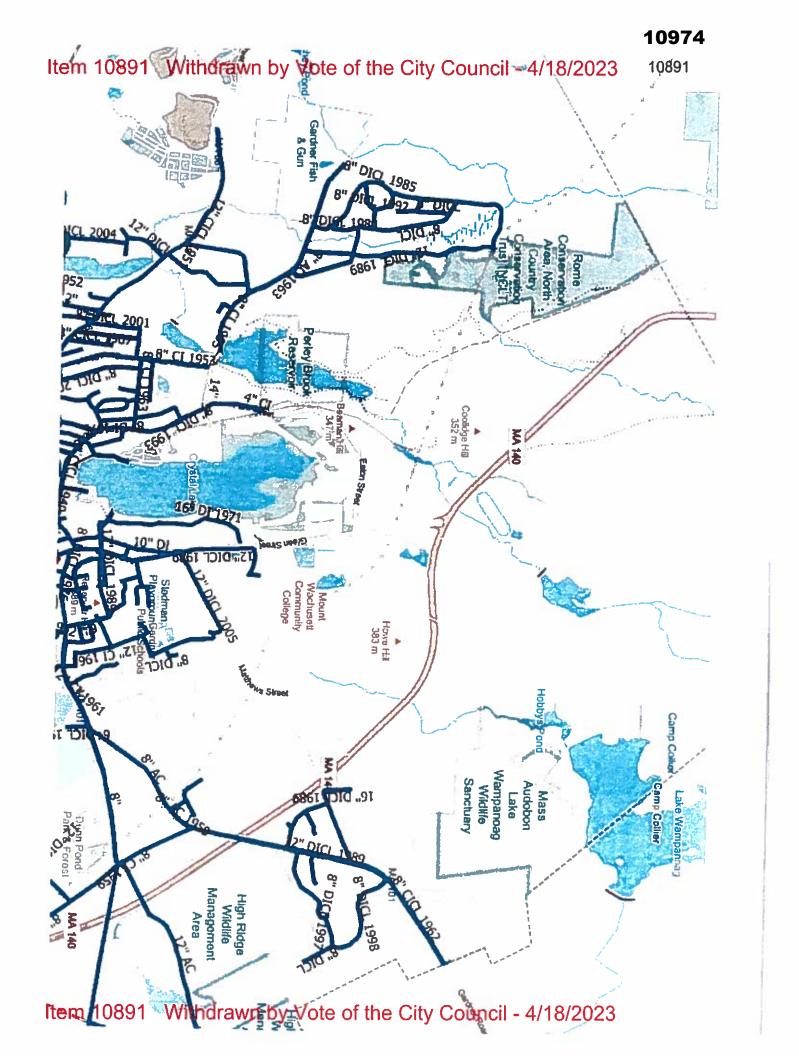




Attachment F



Attachment G



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Select Language ▼

City of Gardner, MA Wednesday, March 29, 2023

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 Withdrawn by Vote of the City Council - 47 18/20/2004

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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.

Item_B10891 Withdrawn by Vote of the City Council - 4/18/2023 10891 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

1 per 2 beds

meeting area and restaurant space

Bed-and-breakfast 2 spaces, plus 1 per guest unit

Assisted living; nursing home; group/rest home;

rooming house

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 ser-1 per 300 square feet of net floor area vice establishment

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 1 per 75 square feet of assembly area or 1 per 4

of assembly 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

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 Parking Spaces Required

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Industrial/manufacturing

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 90° (2-way) 60° (1-way) 45° (1-way)	Width of Parking Stall (feet) 9.0 10.4 12.7	Parking Stall Length of Line (feet) 18 22 25	Width of Maneuvering Aisle (feet) 24 18
Parallel (1-way) Parallel (2-way)	8.0	25 22	14 14
· didioi (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 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 10891 Withdrawn by Vote of the City Council 4/18/2023

- Item 10891 Withdrawn by Vote of the City Council 4/18/2023 10891 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

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 10891 reveals, projecting ribs, of 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; Withdrawn by Vote of the City Council 4/18/2023 the vicinity;

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 10891 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).
 - [ii] 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:
 - 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.

Withdrawn by Vote of the City Council - 4/18/2023 10891 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



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

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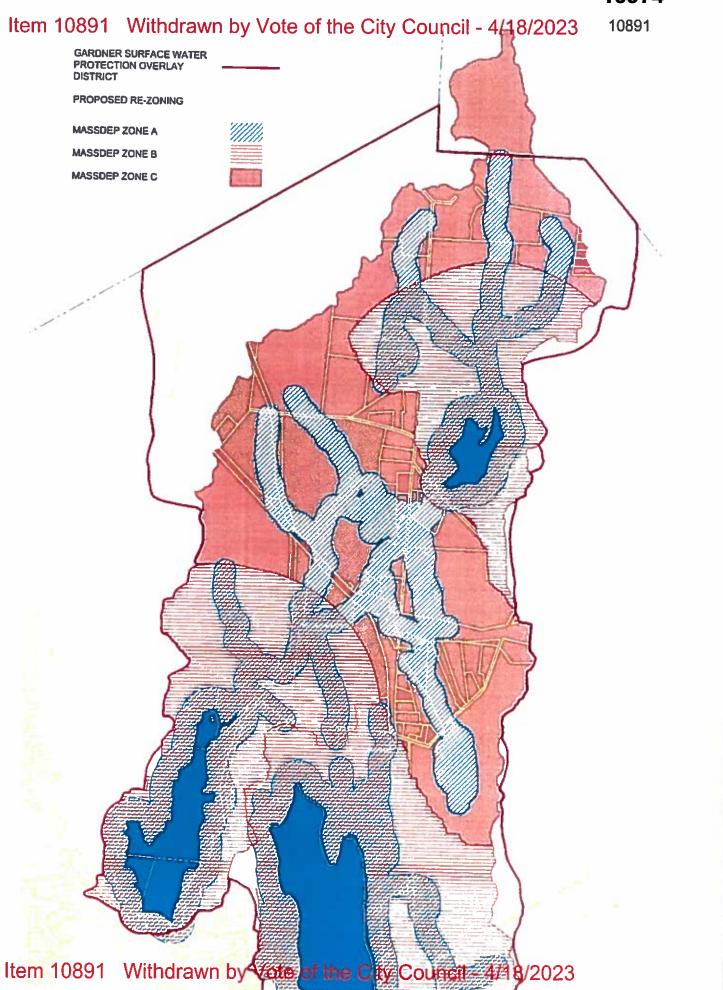
Attachment J

	Location	Number of Housing Unit
Permitted/II	104-108 Main St	
Design	104-108 Parker St.	
	105-107 Washington St	
	14 Greenwood St.	
	14-24 Parker St	
	147 Pleasant St.	
	161-163 Washington St	
	163-165 Pine St.	
	183 Greenwood St.	
	19 Franklin Ct.	
	20 Rock St	
	2-10 Parker St	
	211 Sherman St.	
	221 Regan St.	1,000
	25 Main St	. 30 1 ==
	27 Oak Street	
	280-320 Central Street	
	29-31 Franklin Ct.	2
	309 Central St	
	31 Harvard St.	1
	315-317 Pleasant St.	
	38 Baker St.	
	40-46 Glenwood St	
	42-52 Parker St	1
	45 Greenwood St.	2:
	53 Monadnock St	
	58 Osgood St	
	64-66 Peabody St.	
	66-68 Graham St	9
	74 Park St.	
	171 Vernon St	3
	88-98 Main St.	13
	94 Pleasant St	3
	99 Main St.	4
	Chelsea St Land	2
	School St School	30
	73 Stuart St	7
Based on	Rear Main St	100
Proposals	West Broadway	35
		4* Housing Proposals
		Multi Family Units **
	Clark St	
- 1	140 East	90
- Y	TOTAL:	12

Proposals not included in total due to still being evaluated

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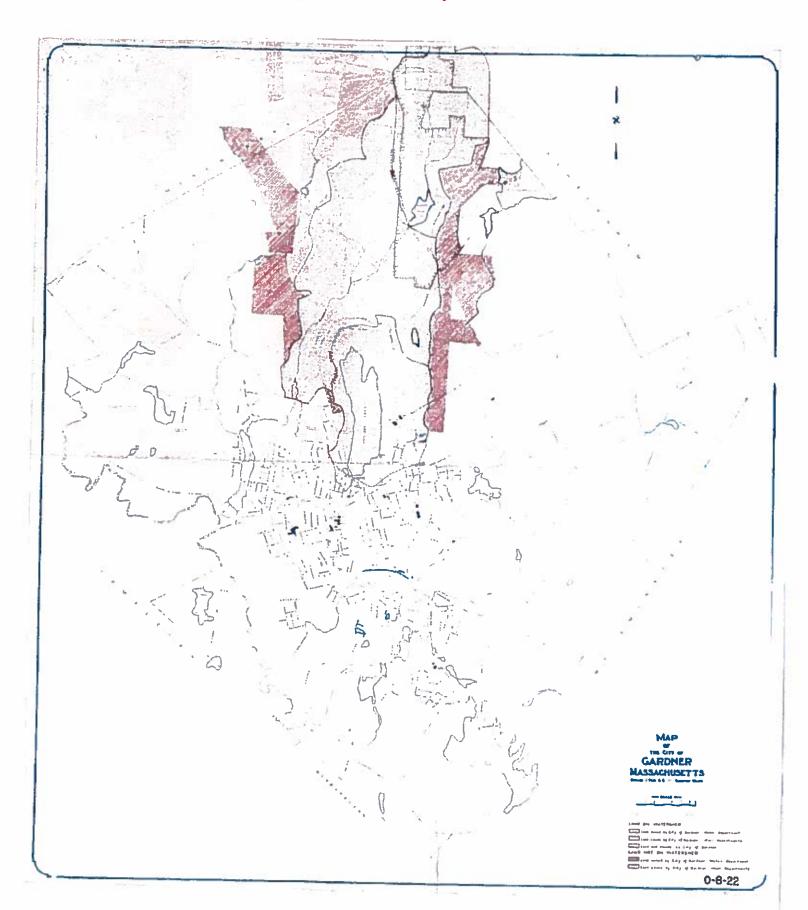
Attachment K



Attachment L



Attachment M



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Attachment N

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Attachment O

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- (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 faw 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, mari, lime, limestone, wood ashes, and gypsum, as defined in MGL c. 128, 5 64.

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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 quantitles 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 II, 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.

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has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with

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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.

ZONER

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 8 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 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 for de-icing and sanding materials.
 - (d) Storage or disposal of snow or Ice, removed from highways and streets, outside of Zone A, that contains deicing 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.

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- [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;
 - [3] 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, and feasibility of the control measures proposed and the degree of threat to surface water quality which would result if the control measures falled.
 - (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, Bullding 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 thirtyfive-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.

Item) 10801 All Withdrawa by Wote of the City Council - 4/18/2023 modified by the SPGA, with reasons therefor:

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- (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;
 - [3] 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
 - [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.

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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-loing 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 vandailsm, 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
 - (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.

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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.

- 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.
 - (a) The provisions set forth in this section shall apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltale installations.
 - (2) 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 photovoltalc installation that is constructed at a location where other uses of the underlying property

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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City of Gardner 2015 Open Space and Recreation Plan

INVENTORY OF LANDS

Section 5 INVENTORY OF LANDS

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 gage deed, the real citate thereby conveyed, and the note and claim thereby secured. Ir have and to hold the same to the said famee It. Brooks and his here and assigns, to their own use and behoof frever; eubjest nevertheless to the conditions therein contained and to redemption according to law. In wrtness whereof I herete set my hand and real this this 11 th day of January A. D. 1888. , Jarah J. Stowell weals Signed and sealed Communicalth of Maceachusette.
in presence of Horsester, et. January 11, 1888.
H. A. Farneworth (Then personally appeared the above-M. A. Farneworth) named Sarah J. Stowell and acknowledged the foregoing instrument to be her free act and deed.

Before me, Samuel Utley, Instice of the Leace. Rec. May 11 # 1888 at & A.M. Ent + Epo By Mutry " S. Miller leg?

Hichardson bless F. Henow all men by these presents that I. Charles F. Richardson of Gardner in the County of Vin-Gardner Inhab Acester and Commonwealth of Massachusette, in coneideration of One Dollar haid by the Inhabitants of The Town of Gardner in their corporate capacity, the receift whereof is hereby acknowledged, do hereby remise. release and forever quitelain unto the said Inhabitants in their said capacity a certain tract of land situated in the centre of Gardner and being the same discribed in a deed dated February 7th A.D. 1888 and with Horcester Dietrict Deede, Book 1263, Lage 349.

To have and to hold the granted premises, with all the prinleges and appurtenances thereto beionging. to the said Inhabitants in each capacity and its successors and assigns, to their now use and behorf forever . And I do hereby, for myself and my heirs executore and administrators covenant with the each grantee and their successors and assigns that the granted premises are free from all incumbrances made or suffired by me, and that I will and my heirs, executore

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earner to the said grantee and his heirs and assigne for ever against the lawful claims and demands of all persone claiming by, through or under me but against none other . And for the consideration aforexaid of Comma F. Richardson wife of said Charles F. Richardson do hereby release unto the said granter and their success one and assigns all right of or to both dower and home etead in the granted premises. In witness whereof we, the said to harles F. and Emma F. Richardson here. unto set our hands and seals this bighthe day of seay in the year one thousand eight hundred and eighty eight. Ingued, realed and delivered Charles F. Richardson (real, Comma F. Kicharden (eeal) in presence of Commonwealth of Massachu-

rette. Worcester, e. May 18# 1888. Then perimally 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, Instice of the Peace. Rec & May 11 = 1888 at & A. M. Enter to 4 My Munry B Miller 1

Jayerweather John A. tc.

Item 10891

Honow all men by these presente that ere, John of Fayerweather, Was A. Child & D. M. Hemenway Hutbro Inhab & all of Hestboro in the Country of Horcerter and State of Massachusette, in consideration of One Dollar to us ot cancelled | paid by the Inhabitants of the Foun of Westons aforeraid the receift whereof is hereby acknowledged, do hereby give, grant, bargain, sell and course unto the said Inhabitante of the Four of Westons, the right to enter a hipe ruto the well situated on the land of said Fayerweather, build & Hemenway, which said land is located on the corner of Milk and Shellipe Streets in said Westfors and also the right to lay the hipe under ground from paid well to or acrose eard I'hillips I treet as may be desired by said Inhebitants, and also the right to draw water from said well through said pipe at any and all times when needed for the hurpose of eptingmiching fires and fire turposee, also the right to enter upon the premises of eard grantors With andwork of the Caty Council west 18/2628 hipe may

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
Gardner	Acres	Acres	Acres	Acres
C1 (Commercial)	4.75	16.65	21.50	42.6
II (Industrial)	30.24	24.08	88.95	149.9
12 (Industrial)	83.96	36.69	48.44	169.0
RR (Rural Residential)	3,398.10	215.18	1,060.19	4,673.4
SFR (Single Family Residential)	29.28	48.05	80.03	157,9
Subtotal	3,546.81	340.62	1,298.89	5,185.8
Percent	68.4%	6.6%	25.0%	100%
Westminster				
Commercial - [59.92	37. 67	179.87	269.97
Industrial-I	13.60	79.36	150.53	257.49
Residential – I	28.07	76.83	129.70	234.60
Subtotal	95.59	187.87	452.60	786.00
Percent	13.0%	25.5%	61.5%	100%
Winchendon				
CI (Commercial)	355.38	59.56	596.67	805.61
(Industrial)	138.66	11.26	479.30	
R80-RR (Residential)	1,303.64	165.50	827.52	629,22
ubtotal	1,797.68	250.52		2,296.66
ercent	48.2%	6.2%	1,705.49	3,751.49 100.0%
otal	5,439.58	758.81	3,454.98	9,653.37
ercent	56.8%	7.9%	35.8%	100%

Gardner

A shown in Table 1, only 25% of the study area in Gardner is available for development; 68.1% 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 1,500 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 5.0 million square feet of non-residential development. Over 500 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 FARI" 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 0.55 means that a 10,000-sq. ft. lot could accommodate 5,500 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, 756 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 15% 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 190 acres of Residential 1.

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

Route 140 North Corridor Study	Grand Total		Subtotal	Land Inside the WSPOD	Land Outside the Wapon	Rural Residential 2 - RRo	-SFR1	Single Family Residential 1	Industrial II - IND 2	Industrial I - IND 1	Commercial 1 - COM 1	Gardner			Subtotal	Residential - R1	Industrial - I1	Highway Commercial - C1	Westminster		Subtotal	Rural Residential - R80	THURSTIAL ~ I	rugaway Commercial - C1	Availcheildoll	of property of the property of
	3,454,99		1,298.90	307.20	752.99		80.09		+4.8+	88.99	21.30			+32.60	50.00	07 661	150.53	172.87			1,709.49	827.52	+79.30	396.67		Developable Area (Ac.)
								0.00	0.59	0.42	0.39						1.03	0.94					0.576	0.50+		Effective FAR
s	28,027,312		3,051,500					1,110,020	1 110 905	1,626,992	306,183			4,241,318		1,000,100	1 688 150	2,552,869			1.01. 1.62. 0.0		12,025,905	8,708,588		Square Feet of Floor Space
				0.872	0.841		0.872								0.825							0.8-16				Build Factor
				130,680	60,000		12,500	90,000	10,000	10,000	10,000				50,000	000,04	10,000				01,110	87 100	49,560	75,000		Min. Lot Size (Sq. ft.)
	1,240		790	89	+60		21.5							98	98					350	000	450				Dwelling Units
	2,383,893		1.01. 896			96,769	- 698 64	47.958	122,024	1.06.27	00 06.1		000,51	998.110	20,0-13	126,63+	191,165			1,627,257	12,170	2000	676 106	653.1.4		Water
Land !	3,091	1,002	1 000	010	080	0.7	1								267						296					New
Land Use Report Item 10	2572	319				av		by		100		of		- 1	50	ity			ını	:1	202		10	/2		New

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 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 \$58,142 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 550 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 5.0 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 rezoning 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

Gateway Overlay District", where 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 \$47.4 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 5 compares the Winchendon study area buildout under the base and alternative scenarios.

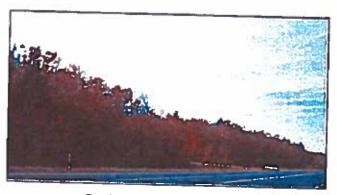
	Base Scenario	Gateway Scenario	Change
Developable Acres in RR	827.5	581.1	-246.4
Developable Acres in C-1	396.7	643.0	246.4
New Dwelling Units	350	216	-104
Commercial Floor Area	8,708,588	14,117,454	5,408,866
Industrial Floor Area	12,025,905	12,025,905	0
New Residents	962	676	-286
New Students	202	142	-60
Water Demand	1,627,257	2,011,435	984,178

Table 3
Winchendon Commercial Development Scenario

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 multifamily housing, including affordable units, to create town center-style developments. ln return 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 scenario². 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 L1-O	0	82.9	82.5
New Dwelling Units	792	749	-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	368,1-1-1	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.

² 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 1:40 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. Flowever, 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.

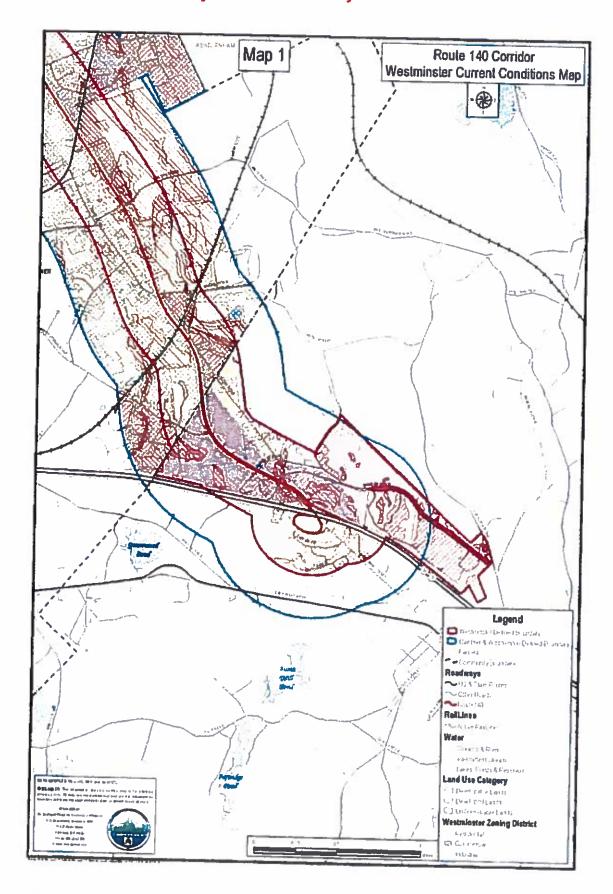
- Use Low Impact Development (LID) stormwater management techniques to contain and purify runoff on-site and improve development aesthetics.
- Set lighting requirements and use fixtures with cutoffs to curtail light impacts.
- Place wiring underground.

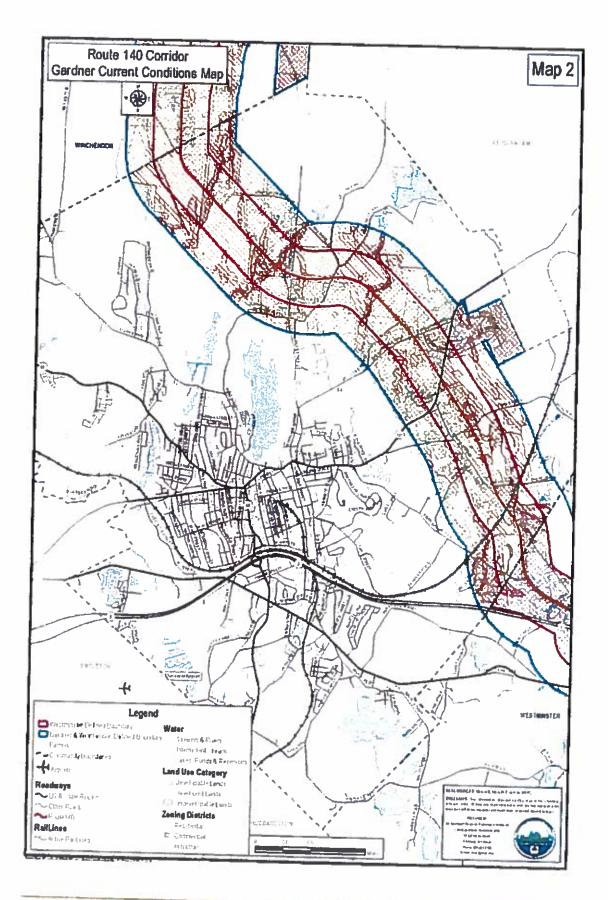
MRPC could take the lead by creating a process to develop model design standards applicable to similar highway corridors throughout its Region.

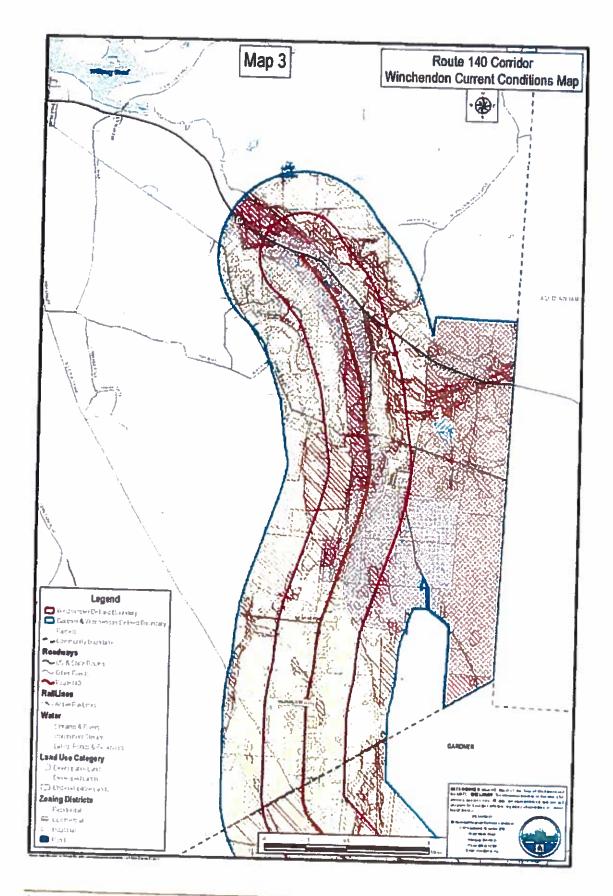
- 8. Continue to analyze re-zoning opportunities in Winchendon and Gardner as outlined in the alternative growth scenarios discussed above.
- 9. Provide connecting links to the North Central Pathway rail trail as a way to promote commuter access by bicycle. Continue to extend the trail along its entire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

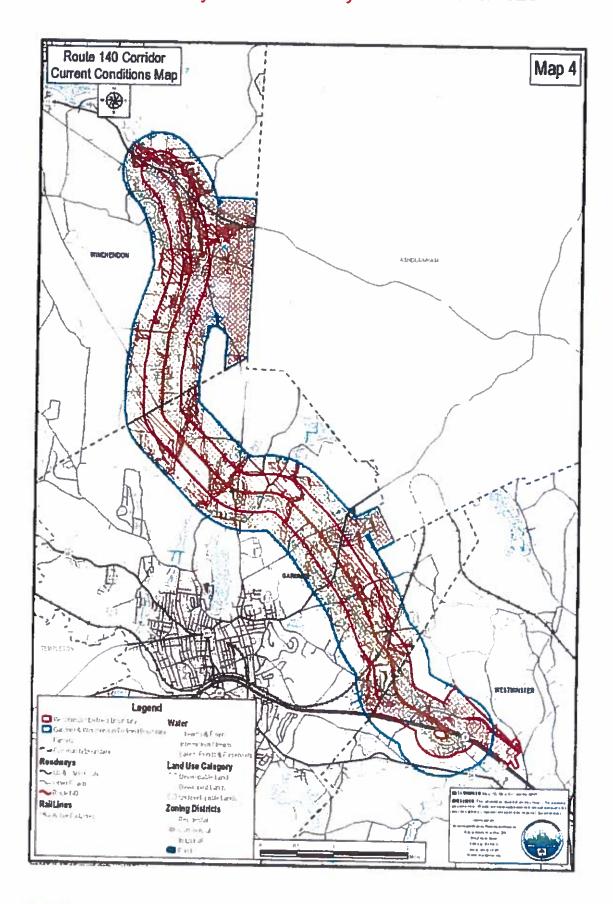
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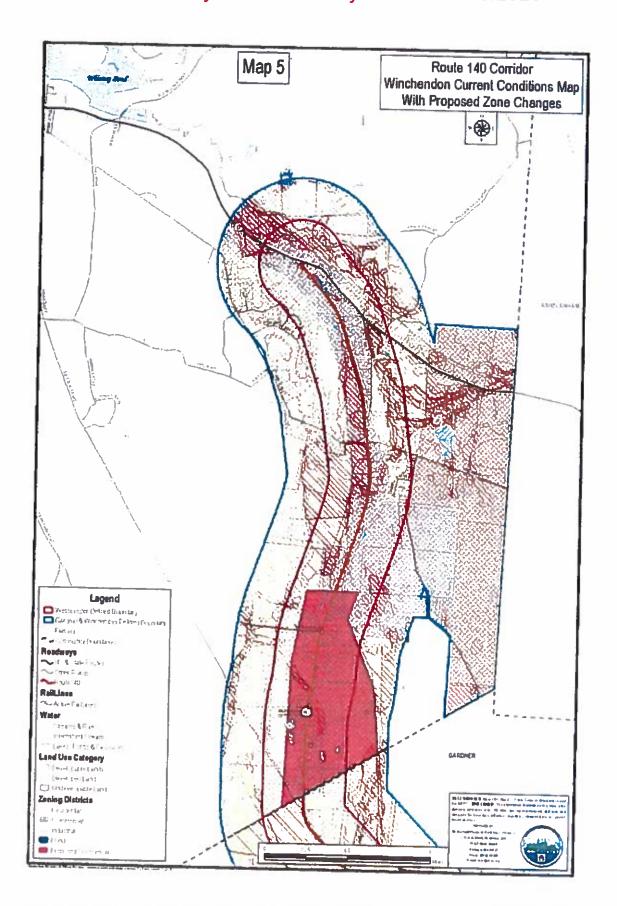
regional Highway Corridor Overlay District. MRPC could also assist in this endeavor. Such an approach would allow for inter-community consultation on major development projects, establish common design and development standards, and encourage access management techniques to preserve roadway capacity 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.

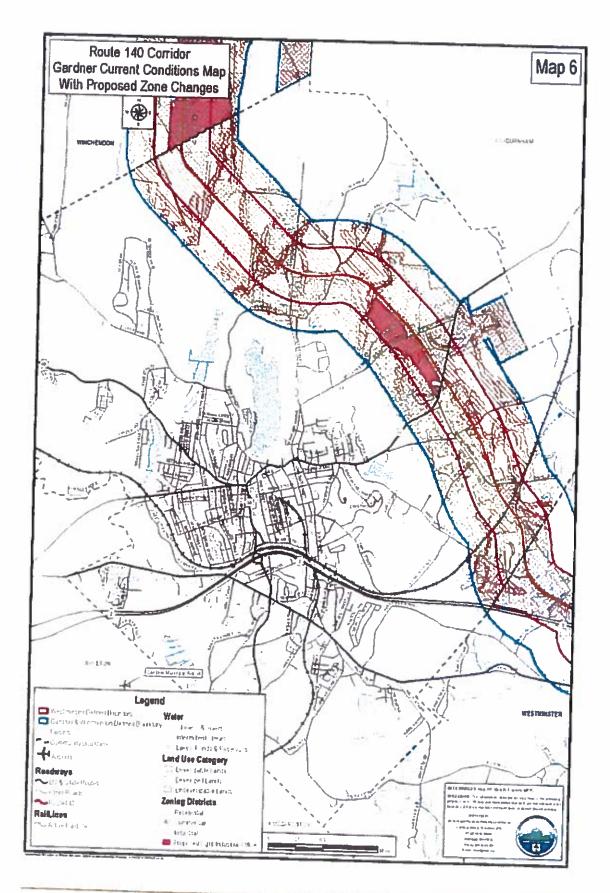




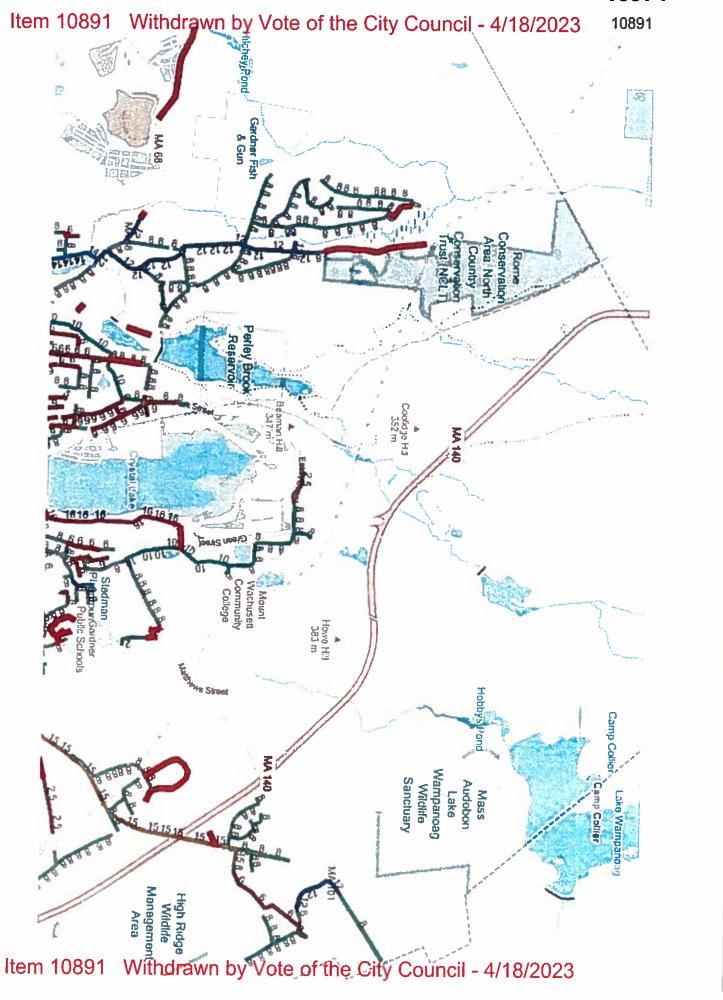






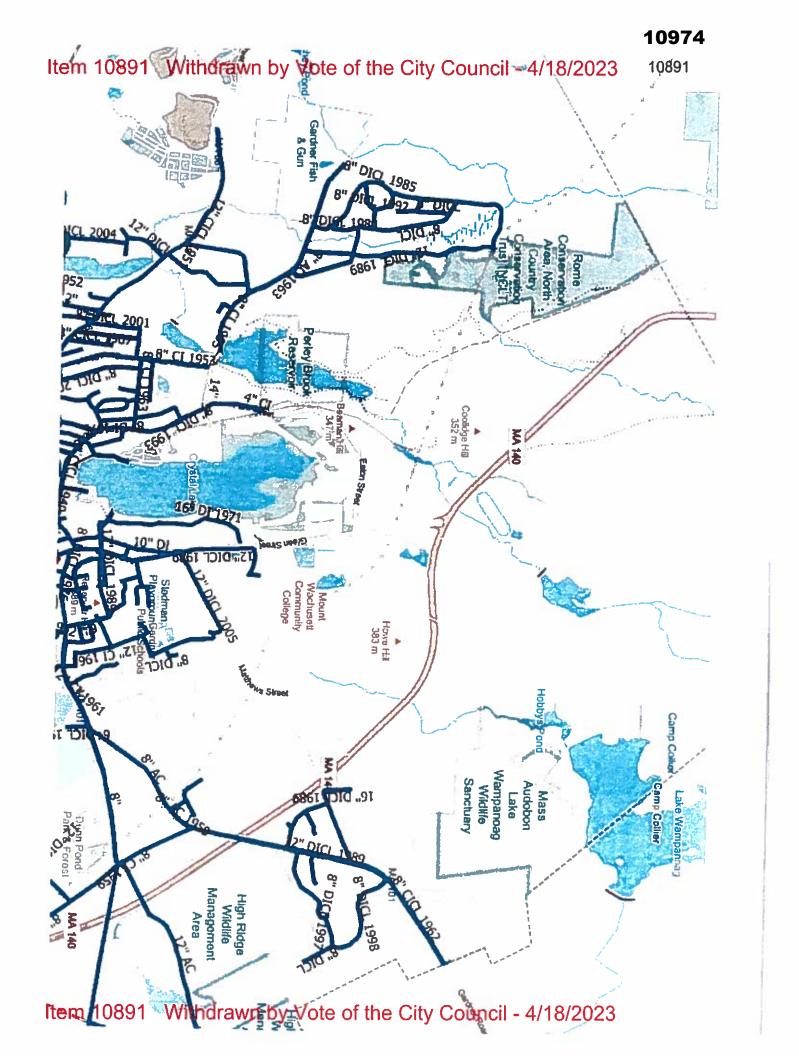


Attachment F



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Attachment G



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Select Language ▼

City of Gardner, MA Wednesday, March 29, 2023

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 Withdrawn by Vote of the City Council - 47 18/20/2004

10891

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.

Item_B10891 Withdrawn by Vote of the City Council - 4/18/2023 10891 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

1 per 2 beds

meeting area and restaurant space

Bed-and-breakfast 2 spaces, plus 1 per guest unit

Assisted living; nursing home; group/rest home;

rooming house

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 ser-1 per 300 square feet of net floor area vice establishment

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 1 per 75 square feet of assembly area or 1 per 4

of assembly 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

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 Parking Spaces Required

10891

Industrial/manufacturing

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 90° (2-way) 60° (1-way) 45° (1-way)	Width of Parking Stall (feet) 9.0 10.4 12.7	Parking Stall Length of Line (feet) 18 22 25	Width of Maneuvering Aisle (feet) 24 18
Parallel (1-way) Parallel (2-way)	8.0	25 22	14 14
· didioi (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 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 10891 Withdrawn by Vote of the City Council 4/18/2023

- Item 10891 Withdrawn by Vote of the City Council 4/18/2023 10891 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

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 10891 reveals, projecting ribs, of 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; Withdrawn by Vote of the City Council 4/18/2023 the vicinity;

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 10891 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).
 - [ii] 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:
 - 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.

Withdrawn by Vote of the City Council - 4/18/2023 10891 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



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

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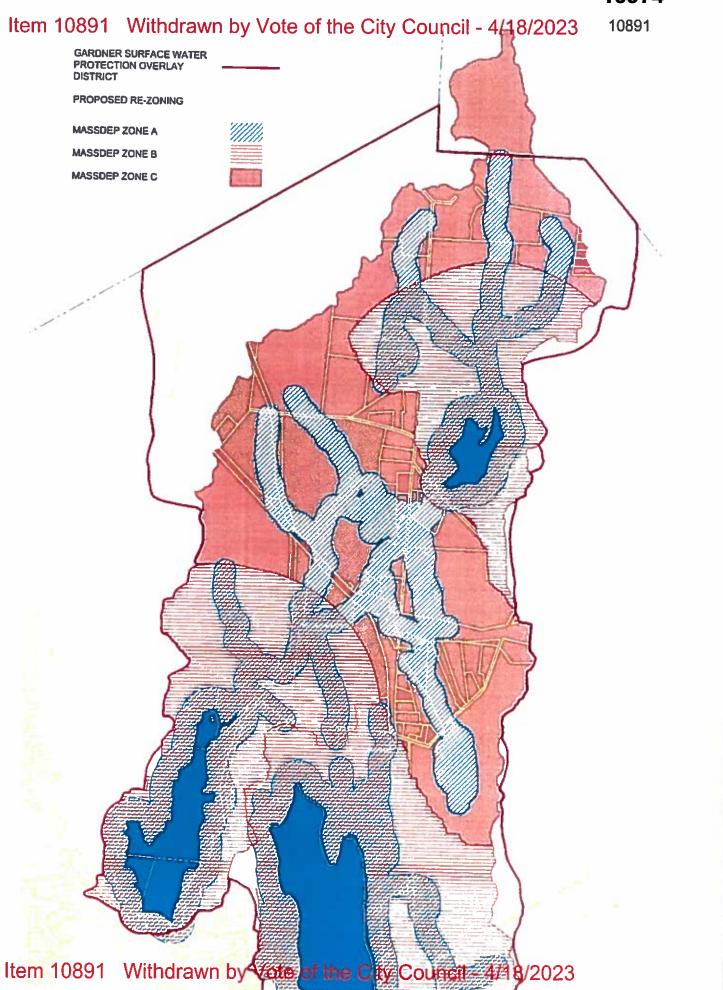
Attachment J

	Location	Number of Housing Unit
Permitted/I	n 104-108 Main St	
Design	104-108 Parker St.	
	105-107 Washington St	
	14 Greenwood St.	
	14-24 Parker St	
	147 Pleasant St.	
	161-163 Washington St	
	163-165 Pine St.	
	183 Greenwood St.	
	19 Franklin Ct.	
	20 Rock St	
	2-10 Parker St	
	211 Sherman St.	
	221 Regan St.	1,000
	25 Main St	. 30 1 ==
	27 Oak Street	
	280-320 Central Street	KET SEE
	29-31 Franklin Ct.	2
	309 Central St	
	31 Harvard St.	1
	315-317 Pleasant St.	
	38 Baker St.	
	40-46 Glenwood St	
	42-52 Parker St	1
	45 Greenwood St.	2:
	53 Monadnock St	
	58 Osgood St	
	64-66 Peabody St.	
	66-68 Graham St	
	74 Park St.	
	171 Vernon St	
	88-98 Main St.	13
	94 Pleasant St	3
	99 Main St.	4
	Chelsea St Land	
	School St School	30
	73 Stuart St	7
Based on	Rear Main St	100
Proposals	West Broadway	35
		4# Housing Proposals
		Multi Family Units **
	Clark St	
- 1	140 East	90
- Y	TOTAL:	12

Proposals not included in total due to still being evaluated

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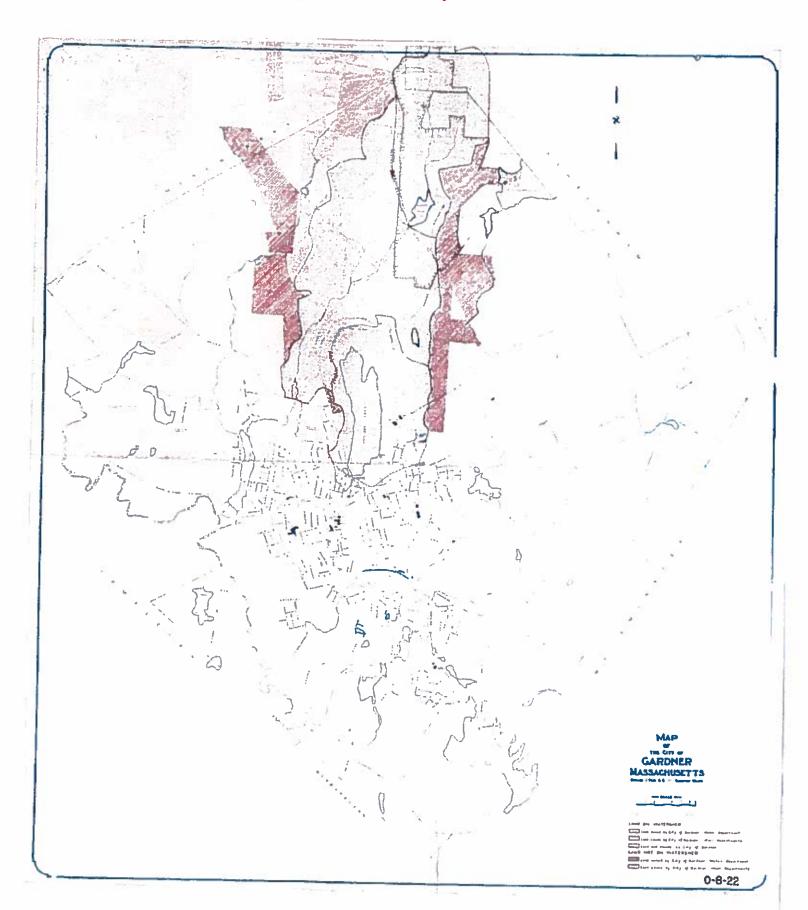
Attachment K



Attachment L



Attachment M



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Attachment N

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Attachment O

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- (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 faw 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, mari, lime, limestone, wood ashes, and gypsum, as defined in MGL c. 128, 5 64.

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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 quantitles 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 II, Zone II, or Zone III areas.

SEPTAGE

The liquid, solid, and semisolid contents of privies, chemical tollets, 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.

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has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with

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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.

ZONER

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 8 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 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. a1C 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 for de-icing and sanding materials.
 - (d) Storage or disposal of snow or Ice, removed from highways and streets, outside of Zone A, that contains deicing 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.

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- [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;
 - [3] 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, and feasibility of the control measures proposed and the degree of threat to surface water quality which would result if the control measures falled.
 - (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, Bullding 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 thirtyfive-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.

Item) 10801 All Withdrawa by Wote of the City Council - 4/18/2023 modified by the SPGA, with reasons therefor:

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- (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;
 - [3] 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
 - [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.

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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-loing 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 vandailsm, 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
 - (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.

Item 1089 16. Th With drawn by an Vote to fether Gity s Council - 4/18/2023 District without a written advisory report from the Gardner Board of Health.

10891

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.

- 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.
 - (a) The provisions set forth in this section shall apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltale installations.
 - (2) 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 photovoltalc installation that is constructed at a location where other uses of the underlying property

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

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023 10891

City of Gardner 2015 Open Space and Recreation Plan

INVENTORY OF LANDS

Section 5 INVENTORY OF LANDS

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 gage deed, the real citate thereby conveyed, and the note and claim thereby secured. Ir have and to hold the same to the said famee It. Brooks and his here and assigns, to their own use and behoof frever; eubjest nevertheless to the conditions therein contained and to redemption according to law. In wrtness whereof I herete set my hand and real this this 11 th day of January A. D. 1888. , Jarah J. Stowell weals Signed and sealed Communicalth of Maceachusette.
in presence of Horsester, et. January 11, 1888.
H. A. Farneworth (Then personally appeared the above-M. A. Farneworth) named Sarah J. Stowell and acknowledged the foregoing instrument to be her free act and deed.

Before me, Samuel Utley, Instice of the Leace. Rec. May 11 # 1888 at & A.M. Ent + Epo By Mutry " S. Miller llg?

Hichardson bless F. Henow all men by these presents that I. Charles F. Richardson of Gardner in the County of Vin-Gardner Inhab Acester and Commonwealth of Massachusette, in coneideration of One Dollar haid by the Inhabitants of The Town of Gardner in their corporate capacity, the receift whereof is hereby acknowledged, do hereby remise. release and forever quitelain unto the said Inhabitants in their said capacity a certain tract of land situated in the centre of Gardner and being the same discribed in a deed dated February 7th A.D. 1888 and with Horcester Dietrict Deede, Book 1263, Lage 349.

To have and to hold the granted premises, with all the prinleges and appurtenances thereto beionging. to the said Inhabitants in each capacity and its successors and assigns, to their now use and behorf forever . And I do hereby, for myself and my heirs executore and administrators covenant with the each grantee and their successors and assigns that the granted premises are free from all incumbrances made or suffired by me, and that I will and my heirs, executore

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earner to the said grantee and his heirs and assigne for ever against the lawful claims and demands of all persone claiming by, through or under me but against none other . And for the consideration aforexaid of Comma F. Richardson wife of said Charles F. Richardson do hereby release unto the said granter and their success one and assigns all right of or to both dower and home etead in the granted premises. In witness whereof we, the said to harles F. and Emma F. Richardson here. unto set our hands and seals this bighthe day of seay in the year one thousand eight hundred and eighty eight. Ingued, realed and delivered Charles F. Richardson (real, Comma F. Kicharden (eeal) in presence of Commonwealth of Massachu-

rette. Worcester, e. May 18# 1888. Then perimally 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, Instice of the Peace. Rec & May 11 = 1888 at & A. M. Enter Ex 4 My Munory B Miller My

Jayerweather John A. tc.

Item 10891

Honow all men by these presente that ere, John of Fayerweather, Was A. Child & D. M. Hemenway Hutbro Inhab & all of Hestboro in the Country of Horcerter and State of Massachusette, in consideration of One Dollar to us ot cancelled | paid by the Inhabitants of the Foun of Westons aforeraid the receift whereof is hereby acknowledged, do hereby give, grant, bargain, sell and course unto the said Inhabitante of the Four of Westons, the right to enter a hipe ruto the well situated on the land of said Fayerweather, build & Hemenway, which said land is located on the corner of Milk and Shellipe Streets in said Westfors and also the right to lay the hipe under ground from paid well to or acrose eard I'hillips I treet as may be desired by said Inhebitants, and also the right to draw water from said well through said pipe at any and all times when needed for the hurpose of eptingmiching fires and fire turposee, also the right to enter upon the premises of eard grantors With andwhole of the Caty Council west 18/2628 hipe may

Attachment R

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the mortgages shall have the statutory power of sale.

IN WITNESS WHEREOF Elgin, Inc. has hereunto caused its corporate name and seal to be affixed, by Eather Rabinovitz, its Treasurer, thereunto duly authorized, this 30th day of July 1927.

Signed and sealed in the presence of

*

Samuel Seder Elgin, Inc. (corporate seal)
by Esther Rabinovitz Treasurer
Commonwealth of Massachusetts
Esther Rabinovitz and acknowledged the foregoing instrument to be the

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 Priday, 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 On motion duly made and seconded it was V U T E B that the Treasurer of the Corporation, namely Esther Rabinovitz, be authorized to sign, execute and deliver to the People's Savings Bank a mortgage in the sum of 335,000.00, 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:

Rec'd July 30, 1937 at 4h. 31m. P. N. Ent'd & Ex'd

I, Harriet G. Heywood, of Gardner, Worcester County, Massachusetts, being unmarried, for consideration paid, grant to City of Gardner, a municipal corporation, in the County of Worcester, Commonwealth of Massachusetts, with WARRANTY covenants. Certain real estate situated lows, to wit: Beginning at a stake in the west line of Green Street which is 182.1 feet from a stone monument situated northerly in said westerly line of said Green Street; thence M. 83° 15' W. 140 feet to an engle in the well; thence M. 77° 15' W. 73 feet to a corner at land of Heirs of Chas. M. Coolidge 5 rods to an angle; thence easterly by said Coolidges' northerly by said street line to the place of beginning.

Also another tract of land adjoining the above described tract and bounded and described as follows: Beginning at the southeast corner thereside of Green Street; thence running N. 80 1/4° W. by said Brown land on the west the wall to a corner of the wall at land of Artenas Cooledge; thence N. 87 1/2° E. 8 rods 6 links to the line of said beginning. Gontaining 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 2940, Page 356.

Subject to five-twelfths of the taxes due the City of Gardner for the year 1927.

Subject to five-twelfths of the taxes due the City of Gardner for the year 1937. Year 1927. WITHESS my hand and seal this 29th day of July 1927. Harriet G. Hoywood (seal)

Worcester, ss. Gardner, July 29, 1927. Then personally appeared the above named Harrist G. Haywood, and acknowledged the foregoing instrument to be her free act and deed, before me

H. Alan Moore Justice of the Peace My commission expires February 10, 1939 Rec'd July 30, 1987 at 4h. 32m. P. M. Ent'd & Ex'd

Heywood Farm; Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having a usual place of business at Gardner, Worcester County, Massachusetts for consideration paid, grants to the City of Gardner, a municipal corporation, in the County of Worcester, Commonwealth of Massachusetts, with WARRANTY covenants, the land in GARDNER and WINCHENDON, in said County and Commonwealth, bounded and described as follows, to wit: bounded and described as follows, to wit:

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

Heywood Farm, Inc.

to

City of Gardner

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

Heymood

to

City of Gardner

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Attachment S

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RZ7	5	1		WATER DEPT	RESERVOIR ST	9300	1,225,800	95 PLEASANT ST STE 125	GARDNER	¥	0146
2	2	_	CITY OF GARDNER	:	BLANCHARD ST	9300	79,900	85 PLEASANT ST STE 125	GARDNER	<u></u>	0.14.50
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Attachment T

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

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PARKER ST	16.11 525 PARKER STREET: LLC			CH61		Ur
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ALKPORT RD	10.13 MANCA CHARLES J TRSTE					U
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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

10891

City of Gardner 2015 Open Space and Recreation Plan

PLAN SUMMARY

Section 1 PLAN SUMMARY

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

Mass.gov

(1) > Division of Conservation Services (lorgs/division-of-conservation-services) > Grant Programs offered by the Division of Conservation Services (lgrant programs offered by

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

- 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)
- 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)

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

Original packet submitted to the Council time stamped February 7, 2023, with supplemental documents

CREDITS

The Montachusett Regional Planning Commission (MRPC) provided assistance for this project with funding provided by the <u>Massachusetts Department of Housing and Community Development</u> (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

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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,

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



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
Gardner	Acres	Acres	Acres	Acres
C1 (Commercial)	4.78	16.65	21.30	
I1 (Industrial)	30.24	24.08		42,0
I2 (Industrial)	88.96	56.69	88.93	1-1-3,9
RR (Rural Residential)	5,398.10	215,18	48.44	169.0
SFR (Single Family Residential)	29.28	48.03	1,060.19	4,673.4
Subtotal	3,546.51		80.03	157.5
Percent	68.4%	5.6% 6.6%	1,298.89 25.0%	5,185.8
		0.070	25.0%	100%
Westminster				
Commercial - 1	55.92			
Industrial-I	15.60	97.67	172.57	263,9
Residential - I		75.56	150.58	237.4
Subtotal	28.07 95.59	76.83	129.70	234.60
Percent		187.87	452.60	786.00
	13.0%	25.5%	61.5%	100%
Vinchendon				
1 (Commercial)	355.38	53.56		
(Industrial)	158.66		596.67	805.61
80-RR (Residential)	1,303.64	11.26	479.30	629.22
ubtotal	1,797.68	165.50	827.50	2,296.66
ercent	48.2%	230,32	1,703.49	3,731.49
	75.2%	6.2%	45.7%	100.0%
otal	5,499.58	758.81	4 18 2 2 2	
ercent	56.5%	7.9%	3,454.98	9,653.37
		1,0/0	35.8%	100%

<u>Gardner</u>

A 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 FAR1" 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, 786 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 15% 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 190 acres of Residential 1.

Route 1-40 North Corridor Study

FAR stands for Floor Area Ratio, i.e. the relationship of building floor area to lot area.

Route	
1407	
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orth Base	1 00
e Case	100 100 100 100 100 100 100 100 100 100
Buildout	
Analysis	

	Grand Total 9,			7		ם	Rural Residential 2 - RR2	-SFR1	Single Family Residential	Industrial II - IND o	Industrial I - IND 1	Commercial 1 - COM I	Gardner		letotane		Residential - R1	Industrial - I 1	Highway Commercial - C1	Westminster		Subtotal	Mutai Mesidential - K80	D	Industrial 1	Winchendon	D	
	3,454.99		1,298.90		307 90	752.99		80.03	78.+	:	88.93	21.30			₽52.60	129.70		150.53	172.37			1,703.49	827.52	+79.30	396.67	1	Developable	
			-		1				0.58		040	0.33					2.02	100	0.9+					0.576	0.50+		Effective	
	28,027,312		3,051,500						1,118,325	2,020,032	1 606 000	306.183			4,241,318		1,088,150	1 600 150	0 550 950			20.734.494		12,025,905	8,708,588	Floor Space	Square Feet of	
-	-			0.879	0.8-1		0.0	0280					_			0.825							0.8+6			Factor	Build	
				130,680	60,000		006,21	3	30,000	10,000	10,000	10,000				50,000	10,000	+0,000				01,140	87 190	+3,560	75,000	Size (Sq. ft.)	Min. Lot	
L	040		792	89	+60		645							20		98					350	300	250			_	Dwelling	
2,000,000	222 000		268-104			96,769	+2,862		83 87.L	122,024	22,96+			338,412	20,040	90019	126,634	191,465			1,627,257	12,170	2010	91.0 100	653.1+4		Water	
9,091		200,1	1 020	010	1,080		571			_					7.05							596				Residents	New	
572	391	319		J	19g		90								52	- 1						202				Students	Z	

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 0.58 public school students 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 358,142 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 850 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 (56.5%) is undevelopable; however, 55.8% 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 rezoning 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

"Gateway Overlay District", where special development standards apply to minimize the traffic impacts of new development. It includes the area along the westerly side of Route 1-10 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 1-10, 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 \$47.4 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 5 compares the Winchendon study area buildout under the base and alternative scenarios.

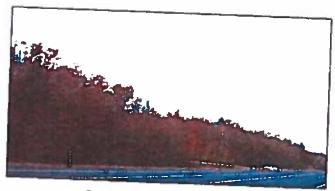
	Base Scenario	Gateway Scenario	Change
Developable Acres in RR	827.5	581.1	-246.4
Developable Acres in C-1	396.7	6:19.0	246.4
New Dwelling Units	350	246	-101
Commercial Floor Area	8,708,588	14,117,454	5,108,866
Industrial Floor Area	12,025,905	12,025,905	0
New Residents	962	676	-286
New Students	202	142	-60
Water Demand	1,627,257	2,011,495	381,178

Table 3 Winchendon Commercial Development Scenario

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 multifamily housing, including affordable units, to create town center-style developments. In return 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. The GIS analysis determined that 82.9 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 employeeintensive 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

		Pasient occusi in	,
	Base Scenario	LI-O Scenario	Change
Developable Acres in RR	1,061.3	979.06	-82.9
Developable Acres in LI-O	0	82.5	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	368,4-1-1	559,639	-8,805

The proposed Light Industry-Office scenario could yield an additional 1.8 million sq. ft. of nonresidential 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.

² 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 1-10 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.

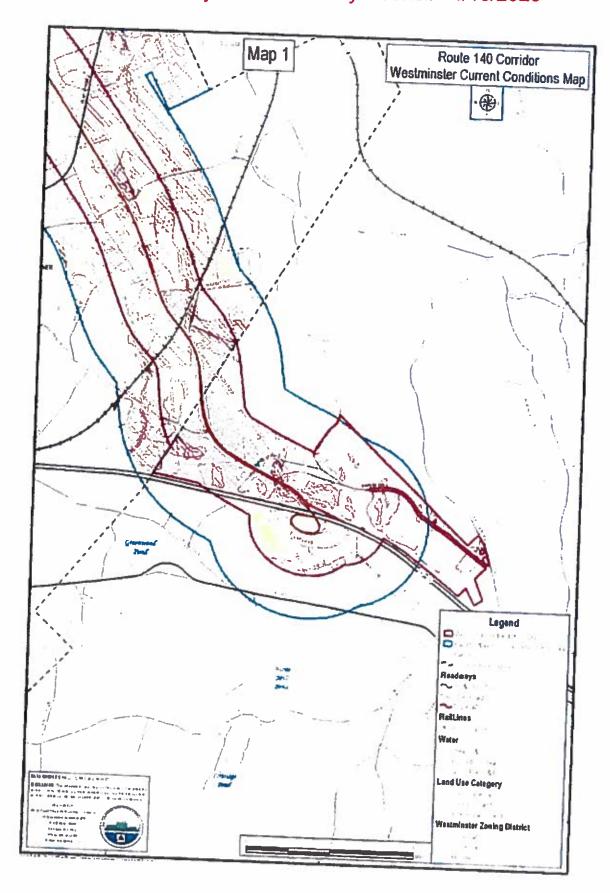
- 1. Implement access management controls by limiting the number of curb cuts directly onto Route 140, requiring common driveways where feasible, and connecting adjoining properties through internal access roads to lower the number of turning movements onto the highway. Winchendon's Gateway Overlay District 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.
- 8. 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
 - 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.

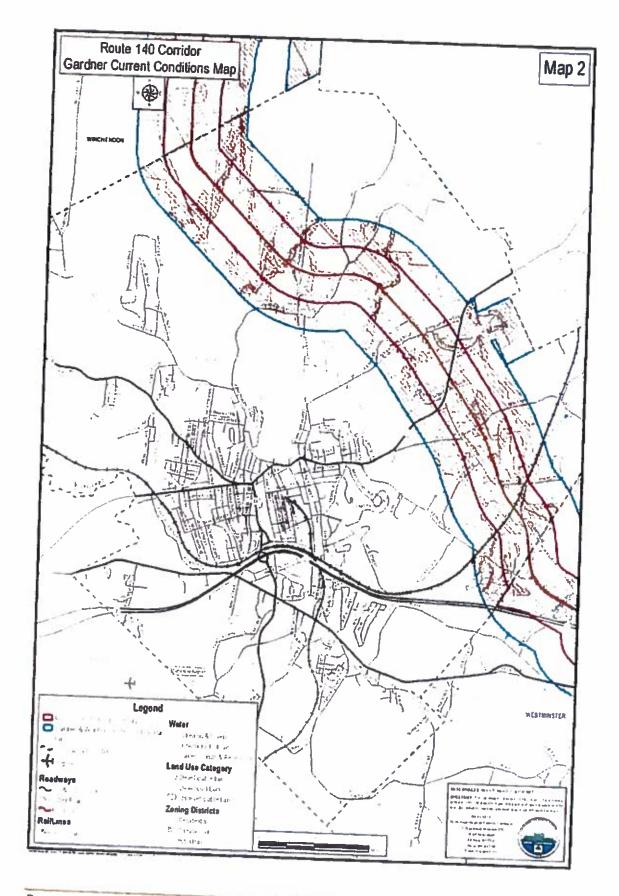
- Use Low Impact Development (LID) stormwater management techniques to contain and purify runoff on-site and improve development aesthetics.
- Set lighting requirements and use fixtures with cutoffs to curtail light impacts.
- Place wiring underground.

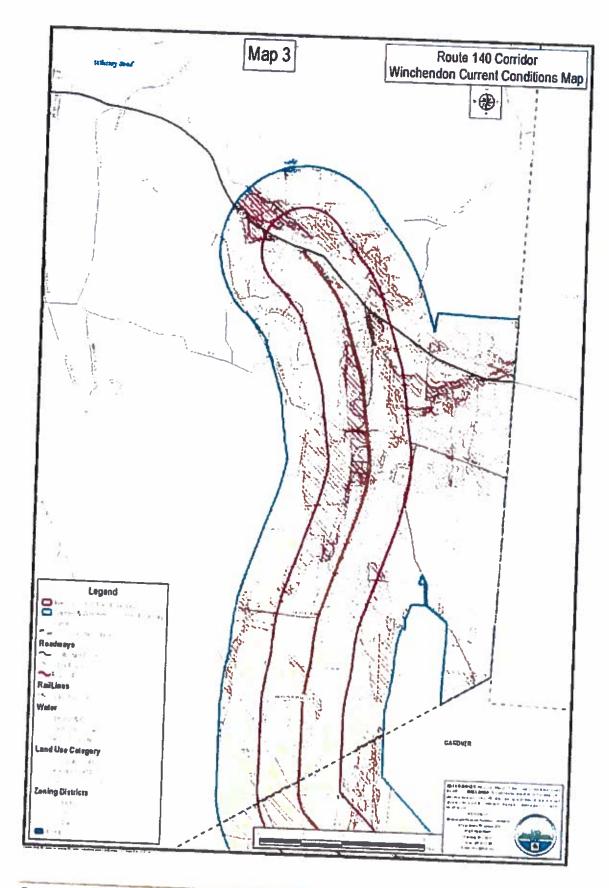
MRPC could take the lead by creating a process to develop model design standards applicable to similar highway corridors throughout its Region.

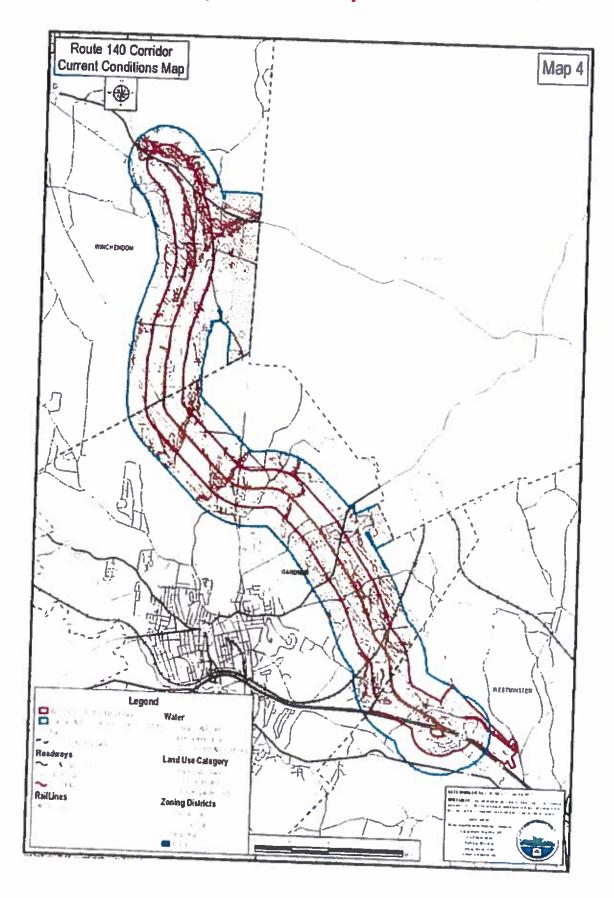
- 8. Continue to analyze re-zoning opportunities in Winchendon and Gardner as outlined in the alternative growth scenarios discussed above.
- 9. Provide connecting links to the North Central Pathway rail trail as a way to promote commuter access by bicycle. Continue to extend the trail along its entire 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
- 11. Pool resources to develop a regional marketing strategy to tout the assets present in the Corridor for economic development. Consider a unique moniker for Route 140 that evokes an image of beauty, local history, and community resourcefulness.
- 12. Work cooperatively to protect public water supplies. A portion of Gardner's public water supply watershed for Crystal Lake extends across the city line into Winchendon. An important goal of Gardner's "Open Space and Recreation Plan" is to seek regional cooperation and develop inter-municipal agreements to assure protection of its water supply. As growth takes place in south Winchendon, the two communities should execute an inter-municipal agreement that encourages sustainable resource management and best practices for new development to minimize any potential water quality degradation. As a regional issue, MRPC could assist in drafting an acceptable agreement that would advance the land use and environmental goals of each community.
- 13. Develop alternatives to frequent driveway openings onto Route 140. The Buildout Maps reveal that residential zoning districts occupy large stretches of Route 140. The danger exists that over time, individual lots with single family homes will each have a driveway with access onto Route 140. Homeowners will enter and exit these lots on a frequent basis interfering with the smooth flow of traffic and creating unsafe travel conditions, especially in severe weather. Communities should encourage alternatives to individual driveways, such as common driveways, subdivision roads, and frontage roads parallel to Route 140, to provide controlled points of access onto the highway.
- 14. Consider larger setbacks from the highway for residential uses. As traffic growth increases along Route 140, traffic noise and congestion will make abutting property less desirable for single family homes. This impact can be mitigated by deeper front setbacks and landscape buffers to help maintain lot privacy.
- 15. Explore regional zoning regulations to enhance inter-municipal cooperation in managing development in order to protect the character of the corridor. Since Route 140 is a regional asset and engine for economic growth, the communities may wish to explore adoption of a

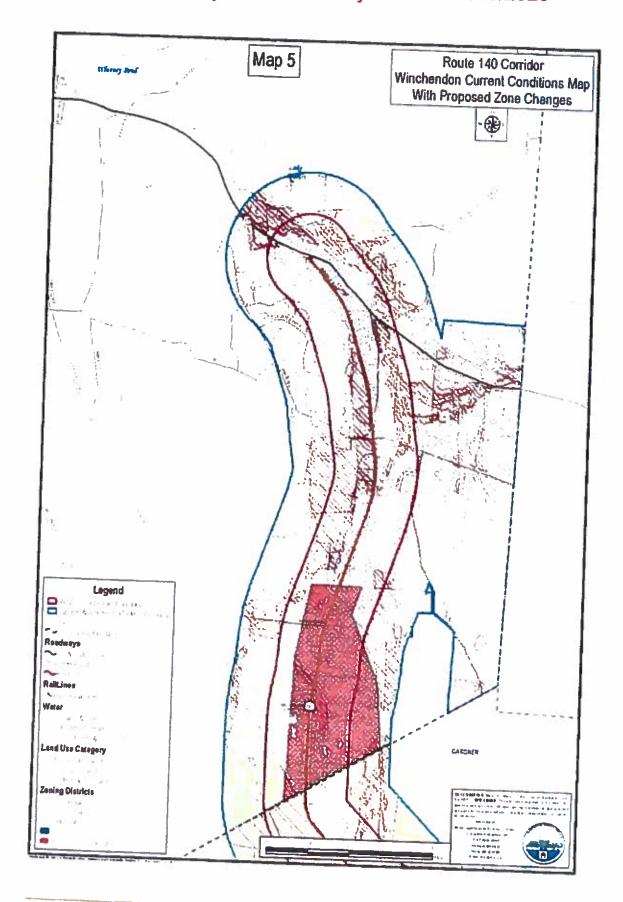
regional Highway Corridor Overlay District. MRPC could also assist in this endeavor. Such an approach would allow for inter-community consultation on major development projects, establish common design and development standards, and encourage access management techniques to preserve roadway capacity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

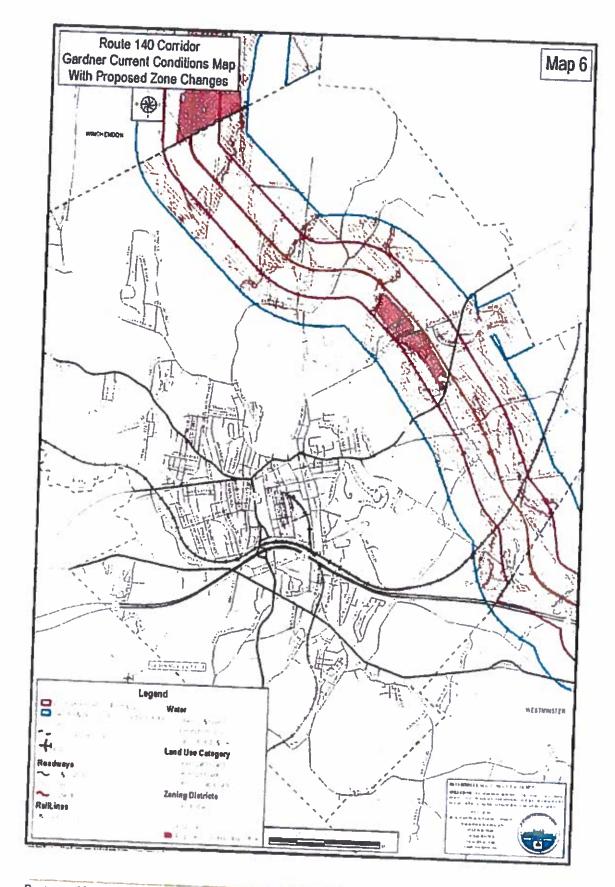












Properties Included In Zoning Change Proposal

(Property Record Cards And Deeds)

M47-24-01

Address:

No Formal Address

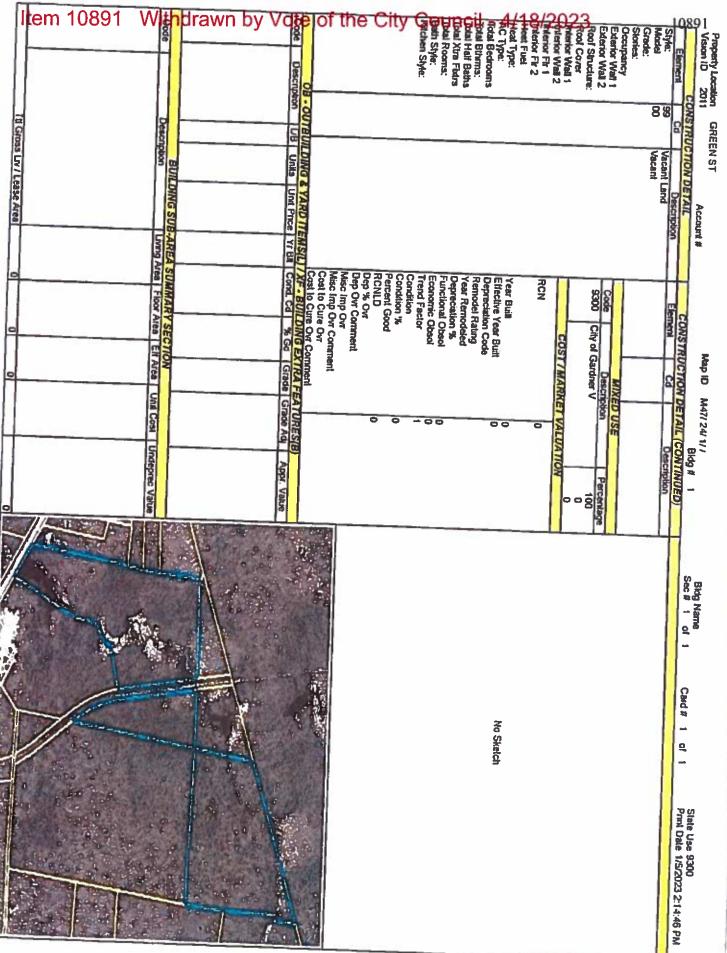
Owner:

City of Gardner

Other:

Vacant Wooded Lot

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M42-08-08

Address:

No Formal Address

Owner:

Andre and Suzanne Guertin

Other:

Vacant Lot

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10891

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

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

Doc#	Document Type	Town	Book/Page	File Date	Consideration
60142	DEED		36139/377	04/20/2005	1.00
Property-St	rest Address and/or De	scription			
GREEN ST	, WINCHENDON RD				_
Grantors					
PERREAUL1	REBECCAM, PERRE	AULT REBECCA			
Grantees					
SUERTIN AN	IDRE E, GUERTIN SUZ	ANNE G			
References-	Book/Pg Description R	ecorded Year			
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10891



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

QUITCLAIM DEED

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

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

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

582 Pearl Street, Gardner, Worcester County, Massachusetts Of

with QUITCLAIM COVENANTS

the land in Gardner, Worcester County, Massachusetts,

Parcel One

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

BEGINNING at a point located on the northerly line of said Winchendon Road, which point is located 500 feet easterly from a stone wall at land now or formerly of one Whitney;

THENCE S. 30° E. along said Winchendon Road 660 feet to other land of grantor herein;

THENCE N. 57.75° E. along said land of grantor herein, 860 feet, more or less, to a drill hole in a stone wall located on the southerly side of Old John Eaton Road;

THENCE northerly along a stone wall at land now or formerly of Rector Reed, 790 feet, more or less, to the land of the Boston & Maine Railroad and land of grantor herein;

THENCE southwesterly along said land of grantor herein 1,450 feet, more or less, to the place of beginning.

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

BEGINNING at the most southerly corner thereof, at an iron pin in the northeasterly line of Winchendon Road, a/k/a Green Street, Route # 140, at a corner of land of The City of Gardner; THENCE N. 30° 07' 16" W. by said road line 250.00 feet to an iron pin at a corner of other land of Rebecca M. Perreault, the grantor herein;

THENCE N. 57° 14' 13" E. 525.00 feet to an iron pin;

THENCE S. 30° 07' 16" E. 250.00 feet to an iron pin at land of the first mentioned City of Gardner, the preceding two courses being by said Perreault land;

THENCE S. 57° 14' 13" W. by said city land 525.00 feet to an iron pin in the northeasterly line of Winchendon Road and the point of beginning.

Returnto: Andre and Suganne Guertin 582 Pearl St Item 10891 With drawn by Neterof the Gity Council - 4/18/29234 new MA 01440 CONTAINING 3.0099 acres or 131,110 square feet. Said excepted parcel being shown on a plan entitled "Plan of Land prepared for Rebecca M. Perreault, (owner: Book 3142, Page 278), Gardner, MA, dated March 31, 2005, prepared by Szoc Surveyors, 32 Pleasant Street, Gardner, MA (978-632-0233) 1 inch = 80 feet, recorded in the Worcester County Registry of Deeds in Plan Book Plan

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

Parcel Two

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

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

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

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

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

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

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

CONTAINING 17 acres, more of less.

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

Executed as a sealed instrument this 12 day of April , 2005
REBECCA PERREAUITRIBECCO Perreault Rebecco M. Perreault
COMMONWEALTH OF MASSACHUSETTS Worcester, ss.
On this day of April, 2005, before me, the undersigned notary public, personally appeared Rebecca M. Perreault, proved to me through satisfactory evidence of identification, which was Lock LD, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.
McClests Reynolds Notary Public My commission expires: My Commencealth of Massachusetts October 25, 2017

M42-08-05

Address:

1263 Green St

Owner:

George Perrault

Other:

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

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10891

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

Current datetime: 2/7/2023 2:47:14 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
118153	DEED		36858/59	07/22/2005	100.00
Property-St	reet Address and/or Desc	ription			
1263 WINCH	ÆNDON RD, GREEN S	r, ROUTE 140			
Grantors					
PERREAULT	REBECCA M				
Grantees					
ERREAULT	GEORGE T				
eferences-l	Book/Pg Description Re	corded Year			
egistered L	and Certificate(s)-Cert#	Book/Pa			



Bk: 36858 Pg: 69 Doo: DEED Page: 1 of 2 07/22/2005 10:02 AM

DEED

I, REBECCA M. PERREAULT, now of Gardner, Worcester County, Massachusetts, for consideration paid and in full consideration of less than One Hundred (\$100.00) Dollars, hereby grant to GEORGE T. PERREAULT, now of 2 Victor Avenue, Worcester, Worcester, Worcester County, Massachusetts, with quitclaim covenants, a certain parcel of land with buildings thereon, situated at 1263 Winchendon Road, in Gardner, Worcester County, Massachusetts, on the northeasterly side of said Winchendon Road, as known as Green Street, Route 140, in said Gardner, Massachusetts, said parcel being shown on a plan entitled "Plan of Land Prepared for Rebecca M. Perreault, (Owner: Book 3142, Page 278) Gardner, MA, March 31, 2005, Szoc Surveyors, 32 Pleasant Street, Gardner, MA, (978-632-0233) 1 inch = 80 feet" and recorded in the Worcester County Registry of Deeds in Plan Book 824, Plan 96, further bounded and described as follows:

BEGINNING at the most southerly corner thereof, at an iron pin in the northeasterly line of Winchendon Road, a/k/a/ Green Street, Route 140, at the corner of land now or formerly owned by the City of Gardner;

THENCE N. 30° 07' 16" W. by said road line, 250.00 feet to an iron pin at the corner of other land now or formerly of Rebecca M. Perreault;

THENCE N. 57°14' 13" E., 525 feet to an iron pin;

THENCE S. 30° 07' 16"E., 250.00 feet to an iron pin at land now or formerly of the City of Gardner, the preceding two courses being by land now or formerly of Perreault;

THENCE S. 57° 14' 13" W., by land now or formerly of the City of Gradner, 525.00 feet to an iron pin in the northeasterly line of Winchendon Road and the point of beginning.

RETURN TO:

George T. Perreault 2 Victor Avenue

Worcester, Massachusetts 01603

T

Containing 3.0099 acres or 131,110 square feet of land, more or less, according to said Plan.

BEING A PORTION OF THE SAME PREMISES conveyed to Herve J. Perreault and Rebecca M. Perreault, dated July 21, 1948 and recorded in the Worcester Registry of Deeds in Book 3142, Page 278.

WITNESS my hand and seal this 18 day of July , 2005.

Rebessa M. Pesseault
REBECCA M. PERREAULT

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

On this 18th day of July 2005, then personally appeared the abovenamed REBECCA M. PERREAULT and known to me and who produced her identification and proved to be the person whose named is signed on this document and acknowledged to me that she signed it voluntarily as her free act and deed, before me,

My commission expires:

Sul

M. CELEBTE REYNOLDS
Notery Public
Provinces of Massachusette
My Commission Expires
October 25, 2007

M42-20-07

Address:

No Formal Address

Owner:

City of Gardner

Other:

Bike Trail

Tit Gross Liv / Lease Area	BUILDING SUB-AREA SUI	Wall 1 Wall 2 Wall 2 Wall 2 Vall 2 Ir 2 Ir 2 Ir 3 Baths Fistrs Fistrs Fistrs Fistrs Fistrs OB - OUTBUILDING & YARD ITEMS Description UB Units Unit Price Yr B	Properly Localion GREEN ST Vision ID 100623 Account # CONSTRUCTION DETAIL Element Cd Description Slyle: 99 Vacant Land Grade: Stories:
0	na Unit Cost Uni	Code Description Percentage 8300 City of Gardner V 100 COST / MARKET VALUATION Percentage Remodeled Carle Remodeled Depreciation % Functional Obsol Economic Obsol Econo	Map ID M42/20/7// Bidg # 1 CONSTRUCTION DETAIL (CONTINUED) Element Cd Description
		No Sketch	Bldg Name Sec # 1 of 1 Card # 1 of 1
Item 10891	Withdrawn by Vo	ote of the City Council - 4/18/2023	Siate Use 9300 Print Date 1/6/2023 12:09:28 PM

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

Current datetime: 2/7/2023 2:53:28 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
79188	DEED		22762/386	07/06/2000	20400.00
Property-S	treet Address and/or Des	eciption			
REL	WINCHENDON RD PL BK	756-125			
Grantors					
BOSTON &	amp; MAINE CORP				
Grantees					
GARDNER (CITY				
References-	Book/Pg Description R	ecorded Year			
lanistt t	and Certificate(s)-Cert#	_			

00 JUL -6 AH 9: 33

280

RELEASE DEED

The BOSTON AND MAINE CORPORATION, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Iron Horse Park, North Billerica, Middlesex County, Massachusetts (the "Grantor") in consideration of Twenty Thousand Four Hundred and no/100 (\$20,400.00) Dollars paid to it by CFTY OF GARDNER, having a mailing address of City Hall, Gardner, Massachusetts, (the "Grantee") hereby grants to the Grantee all the Grantor's right, title and interest, without any warranties or covenants of title whatsoever, in a certain parcel of land, and the buildings, bridges, structures, crossings, fixtures and improvements thereon, if any, situated in Gardner, County of Worcester, Commonwealth of Massachusetts, (the "Premises") described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

This conveyance is subject to the following reservations, conditions, covenants and agreements:

- This conveyance is made without granting any right of way, either by necessity or otherwise, over any remaining land or location of the Grantor.
- The Grantor hereby reserves a permanent, exclusive right of way and easement in: on, over, under, across and through the Premises for the purpose of accessing, constructing, installing, operating, maintaining, modifying, repairing, replacing, relocating and removing a telecommunications system or other system for transmission of intelligence or information by any means, whether now existing or hereafter devised, including such poles, pipes, wires, fibers, fiberoptic cables, repeater stations, attachments, appurtenances, structures or other equipment and property of any description necessary or useful for the same (the "Telecommunications Easement"). The Grantor further reserves the right to freely lease, license, mortgage, assign, pledge and otherwise alienate the Telecommunications Easement. The Grantee hereby covenants with the Grantor to recognize the Telecommunications Easement and, without the payment of any further consideration, to execute, acknowledge and deliver such instruments suitable for recording with the registry of deeds as the Grantor may reasonably require to acknowledge title to the Telecommunications Easement in the Grantor. The Grantor covenants to reasonably repair and restore the surface of the easement area after any work.

1 under

Lew Offices of George C. Corey 144 Central Street Gardner, MA 01440

¥

Gardner,

Winchendon Road,

- 3. The Grantor excepts from this conveyance any and all railroad tracks, railroad track materials (including, but not limited to, ties, connections, switches and ballast) and/or related equipment of any description located in whole or in part within the Premises (the "Trackage") and this conveyance is subject to the right of the Grantor to enter the Premises from time to time and at any and all times within the ninety (90) day period commencing with and subsequent to the date of delivery of this deed, with such men, equipment and materials as, in the reasonable opinion of the Principal Engineering Officer of the Grantor, are necessary for the removal of the Trackage. Days during the months of December, January, February and March shall not be included in the aforesaid ninety (90) day period. If the Trackage is not removed from the Premises by the expiration of said ninety (90) day period, the Trackage shall be deemed abandoned by the Grantor and shall then become the property of the Grantee.
- 4. The Grantor excepts from this conveyance any and all-advertising signs and/or billiboards located upon the Premises which are not owned by the Grantor. Furthermore, this conveyance is subject to the right of the owners of said signs and/or billiboards to go upon the Premises and remove them within ninety (90) days from the date of delivery of this deed.
- 5. By the acceptance of this deed and as part consideration therefor, the Grantee hereby assumes any and all agreements, covenants, obligations and liabilities of the Grantor in respect to any underground facilities, drainage culverts, walls, crossings and/or other structures of any nature and description located in whole or in part within the Premises.
- 6. By the acceptance of this deed and as part consideration therefor, the Grantee agrees to irrevocably waives, gives up and renounces any and all claims or causes of action against the Grantor in respect of claims, suits and/or enforcement actions (including any administrative or judicial proceedings and any remedial, removal or response actions) ever asserted, threatened, instituted or requested by any person and/or governmental agency on account of: (a) any release of oil or hazardous materials or substances of any description on, upon or into the Premises in contravention of any ordinance, law or statute (including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601, et seq., as amended); and (b) any and all damage to real or personal property, natural resources and/or harm or injury to persons alleged to have resulted from such release of oil or hazardous materials or substances. This provision does not apply to any future activity on the premises or any part thereof conducted by the Grantor, including but not limited to its execise of its rights as set forth in paragraph 2 hereof.

- 7. By the acceptance of this deed and as part consideration-therefor, the Grantee hereby agrees to build and forever maintain fences (together with any necessary gates), suitable to the Principal Engineering Officer of the Grantor, along the boundaries of the Premises which are common to remaining land or location of the Grantor (the "Fences"), if Fences are ever required in the sole and reasonable opinion of said Principal Engineering Officer:
- 8. This conveyance is subject to the following restriction for the benefit of other land or location of the Grantor, to wit: that from the date of delivery of this deed, the Grantor shall not be liable to the Grantee or any lessee or user of the Premises (or any part thereof) for any damage to any buildings or property upon them caused by fire, whether communicated directly or indirectly by or from locomotive engines of any description upon the railroad operated by the Grantor, or otherwise.
- 9. By the acceptance of this deed and as part consideration therefor, the Grantee hereby agrees to make no use of the Premises which; in the sole and reasonable opinion of the Principal Engineering Officer of the Grantor, adversely affects; increases or decreases drainage to, from, upon or in any remaining land or location of the Grantor. The Grantee agrees to indemnify and save the Grantor harmless from and against any and all loss, cost, damage or expense including, but not limited to, the cost of defending all claims and/or suits for property damage, personal injury or death arising out of or in any way attributable to any breach of the foregoing covenant.
- 10. The Gramor excepts from this conveyance any and all overhead, surface or underground signal and communication line facilities of the Gramor located within the limits of the Premises and this conveyance is subject to the Gramor's use of any such facilities in their present locations and entry upon the Premises from time to time to maintain; repair, replace, renew, relay or remove such facilities.
- 11. Whenever used in this deed, the term "Grantor" shall not only refer to the BOSTON AND MAINE CORPORATION, but also its successors, assigns and affiliates and the term "Grantee" shall not only refer to the above-named Grantee, but also the Grantee's successors, assigns and grantees, as the case maybe.
- 12. The several exceptions, reservations, conditions, covenants and agreements contained in this deed shall be deemed to run with the land and be binding upon the Grantee forever. In addition to the acceptance and recording of this deed, the Grantee hereby signifies assent to the said several exceptions, reservations, conditions, covenants and agreements, by joining in its execution.

IN WITNESS WHEREOF, the said BOSTON AND MAINE CORPORATION has caused this release deed to be executed in its name and its corporate seal to be hereto affixed by David A. Fink, its Chief Executive Officer, thereunto duly authorized this /3 // day of .2000.

GRANTOR:

BOSTON AND MAINE CORPORATION

Hoterd- Duguell-

David A. Fink, Chief Executive Officer

GRANTEE:

CITY OF GARDNER

4

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Then personally appeared the above-named David A. Fink, its Chief Executive Officer of the BOSTON AND MAINE CORPORATION and acknowledged the foregoing release deed to be his free act and deed and the free act and deed of said BOSTON AND MAINE CORPORATION, before me.

Commission Expires: 20304

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

, 2000

Then personally appeared Daniel J. Kelley the CITY OF GARDNER and acknowledged the foregoing release deed to be his/her free act and deed and the free act and deed of said CITY OF GARDNER, before me.

Sheeper W. Hillman
Notary Public:
My Commission Expires: 8/25/06

Ye an

EXHIBIT A

LAND CONVEYED TO THE CITY OF GARDNER MASSACHUSETTS BY THE BOSTON AND MAINE RAILROAD

All of the Land of the Boston and Maine Corporation lying within the existing Railroad Right-of Way between Railroad Station 1550+50± at State Route 140 in Gardner, MA and Railroad Station 1606+00± at the Gardner/Winchendon City/Town Line. Said land is shown on plans entitled "Right of Way Plan in Gardner, Massachusetts of the Boston and Maine Corporation Property being conveyed to the City of Gardner, Massachusetts, Scale 1"-100" Weston and Sampson Engineers, Inc. 88 Waverly Street Framingham, Massachusetts 01701. "Said plans dated June 5, 2000, being the same property as shown on the "Right of Way and Track Map Fitchburg R.R. Co., operated by the Boston and Maine R.R. Scale 1"-100" dated June 30, 1914 Office of Valuation Engineer Boston, Massachusetts."

Said Plans are numbered V.39-2-30, and V.39-2-31. Plan Book 756, Plan 125

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BOSTON AND MAINE CORPORATION

Secretary's Certificate

I. John R. Nadolny, being the duly elected and presently serving Secretary of Boston and Maine Corporation (the "Corporation") do hereby certify that the following vote was adopted by the Directors of the Corporation at a meeting of the Board of Directors held on July 23, 1998:

VOTED:

That David A. Fink, Chief Executive of the Corporation, in connection with sales of parcels of real estate of the Corporation with purchase prices of less than One Hundred Thousand and no/100 (\$100,000.00) Dollars, is hereby authorized, empowered and directed, on behalf of and in the name of the Corporation, to execute, seal and deliver such agreements of sale, deeds, certificates or instruments, and to take such other action as he may deem necessary, appropriate or convenient to sell such parcels, consumate such transactions, and effect the purposes of this vote.

I-further certify that such vote has not been altered, amended, or rescinded and remains in full force and effect as of the date hereof.

WITNESS my hand and the seal of the Corporation as of this 137 day of

4111111

ATTEST: WORC. Anthony J. Vigliotti, Register

Parcel ID:

R42-21-01

Address:

827 Green Street

Owner:

GAAMHA, Inc.

Other:

Current use protected under the Dover Amendment, MGL c.40A, §3 – Exempt from Zoning

Item 10891 W		by Vote	of the City Counc		The second secon	891
9591 1/5/2023 7:53:49 PM 316 GARDNER, MA	Y Y Y Y	63,400 50 463,400	402,600 3,800 390,300 0 878,100	878,100 Purpost/Result Tevren Retisted R*Zvisit - Info Car	Land Value 58,500 331,800	390,300
	700 787 7687 Code 2021 0101 0101		MARK		Adj Unit Pnc 2,920	otal Land Value
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AR Proling Sub-bw Photo Ward Prec. GIS ID		NS.	Nobo Name	Description Corner Misc Sign Addition	Land Type	olal Card Land Units
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Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:34:35 PM

Doc#	Document Type	Town	Book/Page	File Date	0
146123	DEED		66317/109	10/15/2021	Consideration
Property-81	reet Address and/or Des	cription			100,00
WINCHEND	DON RD				
Grantors					
LEBLANC TI	HOMAS R, ROSENBLAT	T DEBORANA M	CAVOY ISA		
arantees		T DEBORAH M, M	CAVOY JOANN M, LEBI	ANC STEVEN J, MCAN	OY ROBERT, LEBLANC LIND
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SAAMHA IN	C Book/Pg Description Re		CAVOY JOANN M, LEBL	ANC STEVEN J, MCAN	/OY ROBERT, LEBLANC LIND/

Item 10891 Withdrawn by Vote of the City: 680 rtsil1094/18/2023

10891

Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number
Document Type
Recorded Date

Recorded Date
Recorded Time

DEED
Cotober 18, 2021
02:07:25 PM

: 146123

Recorded Book and Page
Number of Pages(including cover sheet) : 8 : 66317 / 109

Receipt Number 1388460
Recording Fee (including excise) \$155.00

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001

Date: 10/18/2021 02:07 PM Ctrl# Doc# 00146123 Fee: \$.00 Cons: \$100.00

Worcester South District Registry of Deeds Kathryn A. Toomey, Register 90 Front St Worcester, MA 01608 (508) 798-7717

Easterly Side of Winchendon Road, Gardner, MA 01440

QUITCLAIM DEED

We Thomas R. LeBlanc, being unmarried, of 339 Salisbury Street, Worcester, MA, 01609, Deborah M. Rosenblatt, being unmarried, 125 Cocassett Street, Unit A, Foxboro, MA, 02035, Joann M. McAvoy, being a married person, of 125 Cocassett Street, Unit B, Foxboro, MA, 02035, and Steven J. LeBlanc, being a married person, of 42 Renee Drive, Felton, DE 19943, Grantors

for consideration paid of LESS THAN ONE HUNDRED and 00/100 (\$100.00) DOLLARS, grant to

GAAMHA, Inc., a Massachusetts not for profit corporation, in good standing, with a mailing address of 208 Coleman Street, Gardner, MA, 01440, Grantee

with quitclaim covenants

A certain tract of land situated on the easterly side of the Winchendon Road in said Gardner, Worcester County, Massachusetts, bounded and described as follows:

COMMENCING at an iron pipe 100 feet northwesterly from a stone bound at land of the City of Gardner;

THENCE northwesterly by the easterly line of said highway, 100 feet to an iron pipe;

THENCE at an included angle of 90° northeasterly by other land now or formerly of GAAMHA, Inc., 100 feet to an iron pipe;

THENCE at an included angle of 90° southeasterly 100 feet to an iron pipe;

THENCE at an included angle of 90° southwesterly 100 feet to the place of beginning, the last two courses being by land now or formerly of Francis R. Cosentino.

Excepting from the foregoing premises, however, so much thereof as may have been taken for highway purposes.

Grantor(s) hereby releases any and all homestead rights to the premises and certify under the pains and penaltics of perjury that there are no other persons entitled to protection of the Homestead Act. The Grantor(s), further state, pursuant to M.G.L. c. 188, § 13, under oath and subject to the pains and penaltics of perjury, do hereby depose, state and certify that: (i) that no spouse, non-owner spouse, former spouse, or any other person resides at the home, is entitled to claim the benefit of an existing estate of homestead; and (ii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

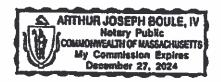
The preparer of this Deed has not conducted a title search.

Being the same premises conveyed to us by Deed of Deborah M. Rosenblatt, Trustee under the Last Will and Testament of Noella M. LeBlanc, Docket No. WO132966EA, dated August, 2021, recorded in the Worcester South District Registry of Deeds in Book 66315.

THE REMAINDER OF THIS PAGE IS BLANK SIGNTURES TO FOLLOW

Executed as a sealed instrument this 28H day of august, 2021.
the 200
Thomas R. LeBlanc
Deborah M. Rosenblatt
Joann M. McAvoy
Steven J. LeBlanc
COMMONWEALTH OF MASSACHUSETTS Worcester, ss
On this 28 day of August, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was Mt Drivery Cited (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free-act and deed, before me. Notary Public:
My Commission Expires: COMMONWEALTH OF MASSACHUSETTS Norfolk, ss
On this day of, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.

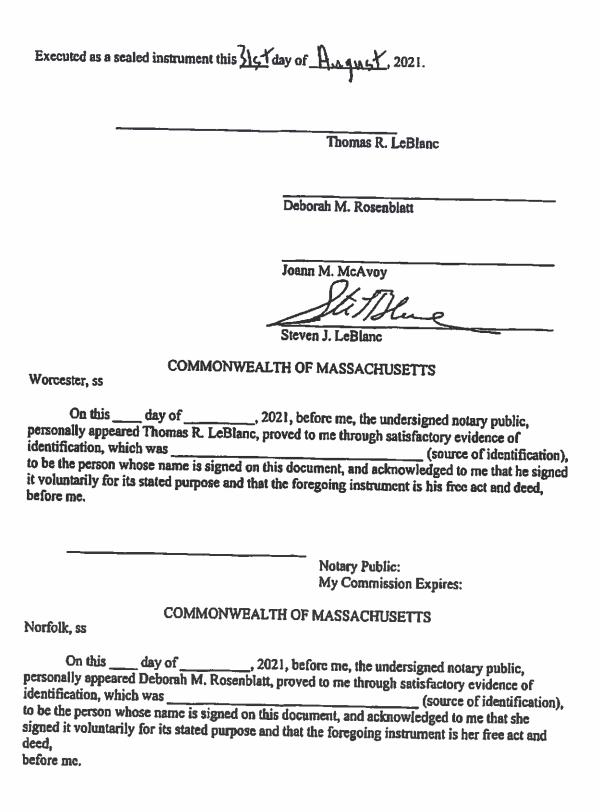
Executed as a sealed instrument this 23 day of August, 2021. Thomas R. LeBlanc Steven J. LeBlanc COMMONWEALTH OF MASSACHUSETTS Worcester, ss On this day of hunch, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was (source-of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is hie before me. COMMONNEALTH OF MASSACHUSET Documber 27, 2024 Notary Public! My Commission Expires: COMMONWEALTH OF MASSACHUSETTS Norfolk, ss On this 23 day of Away, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was _ (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed. before me.



Jone Je

	Notary Public: Arkwr 3 . Bost of My Commission Expires: 12/27/14
COMMONWEALTH	OF MASSACHUSETTS
Norfolk, ss	
On this 23 day of August, 2021, personally appeared Joann M. McAvoy, proved identification, which was to be the person whose name is signed on this c signed it voluntarily for its stated purpose and t deed.	(source of identification),
before me.	ARTHUR JOSEPH BOULE, IV Notary Public COMMONMEATH OF MASSACHUSETTS My Commission Expires
1-12 12	December 27, 2024
- Sandy	Notary Public: A・Hwr 3. らいとア My Commission Expires: (1/37/24
I, Robert McAvoy, spouse of Joann M. McAvoy Homestead rights for the property known as Eas Worcester County, Massachusetts.	y, hereby release all my right, title and interest in sterly Side of Winchendon Road, Gardner,
RA May	Robert McAvoy
/	•
COMMONWEALTH (OF MASSACHUSETTS
Norfolk, ss	
On day of August, 2021, before me, the un Robert McAvoy, the above-named and proved to identification being but this document, and acknowledged to me that and that the foregoing instrument is his/her free and	me through satisfactory evidence of, to be the person whose name is signed he/she signed it voluntarily for its stated outpose
J. Brulist	Notary Public: Arthur J. Book w COMM EYAULI: 12-27-2014 ARTHUR JOSEPH BOULE, IV Notary Public Accommonwealth of MASSACHUSETTS

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023



STATE OF DELAWARE

Kent, ss
On this 31 day of August, 2021, before me, the undersigned notary public, personally appeared Steven J. LeBlanc, proved to me through satisfactory evidence of identification, which was Delagare Drive's Use (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.
Notary Public: My Commission Expires: My Commission Expires:
I, Linda LeBlanc, spouse of Steven J. LeBlanc, hereby release all my right, title and interest in Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.
Linda LeBlanc

STATE OF DELAWARE

Kent, ss

On 31 day of August, 2021, before me, the undersigned notary public, personally appeared Linda LeBlanc, the above-named and proved to me through satisfactory evidence of identification being 100 me 100 me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.

Notary Public:

My Commission Expires

ATTEST: WORC Kathryn A. Toomey, Register

m. Do

Parcel ID:

M42-14-6

Address:

No Formal Address

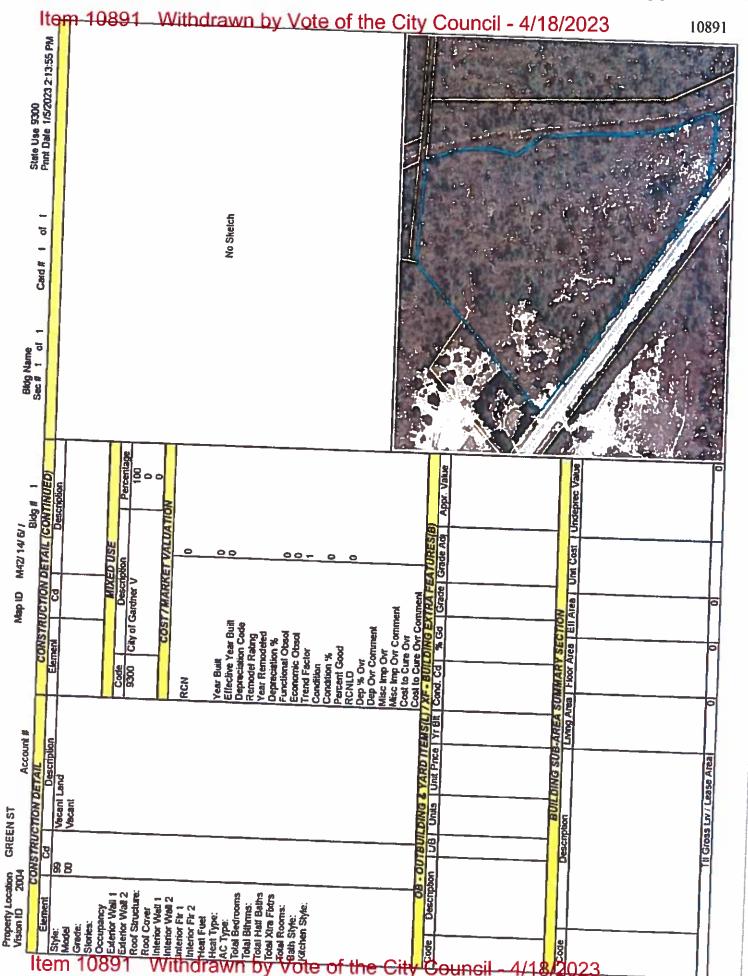
Owner:

City of Gardner

Other:

Wooded Vacant Lot

The county The	It	em	10891	Wit	hdrawn b	y Vo	ote		ne	City Co	uncil	-	4/18/202	23		10891
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Item 10891 Withdrawn by Vote of the City Council 4/18/2028	Property L	CITY OF GARDI	S PLEASANT S GARDNER	100	CITY OF GARDIN	Je				.				Use Code	ı	



Parcel ID:

M42-25-01

Address:

1010 Green Street

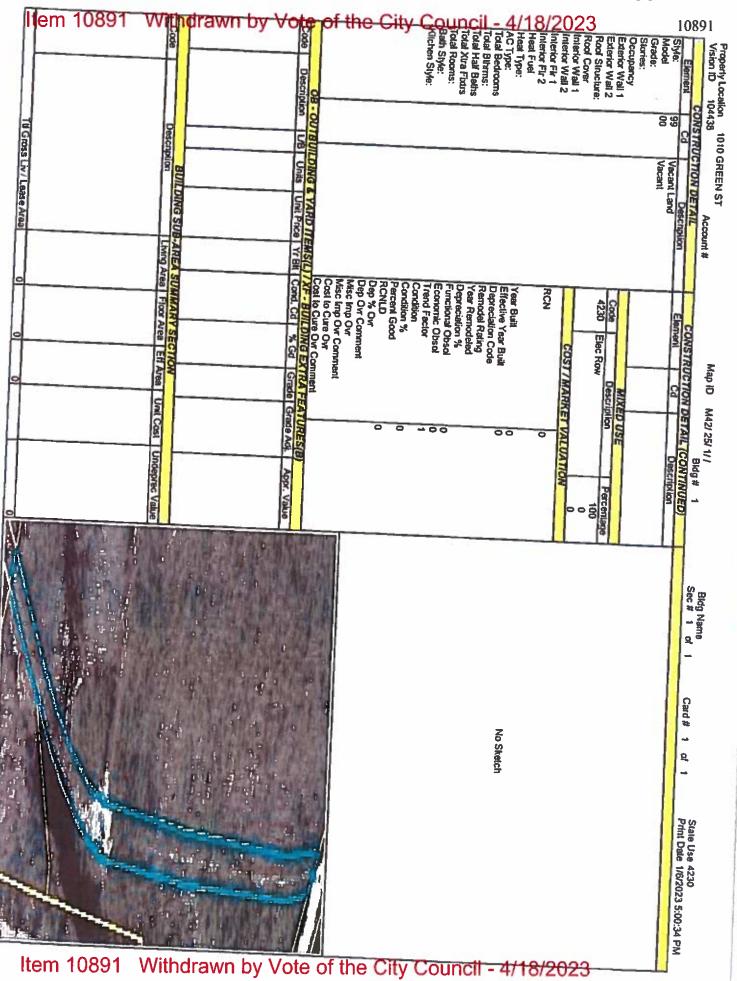
Owner:

New England Power (National Grid)

Other:

National Grid Right of Way/ Old Rail Bed

					10974
Total Card Land Units 18.69 AC Parcel Total Land Area: 18.69	Part Part	Permit of Issue Date Type Description Amount Insp Date % Comp Date Comp Comments Date WST/7CHANGE HISTORY B0,800 Date Insp D	Nibhd Nbhd Name ASSESSING NEIGHBORHOOD Tracing Batch Appraised Bidg. Value (Bidg) Notes Batch Appraised Co (B) Value (Bidg) NOTES Batch Appraised Co (B) Value (Bidg) O Special Land Value Total Appraised Parcel Value O Total Appraised Parcel Value	Amount Code Description Number Amount Comm Int Number Amount Code Description Number Amount Code Description Number Amount Code Comm Int Number Amount Code Comm Int Number Amount Number A	Property Location 1010 GREEN ST Vision ID 104438 Account # Account # Account # Bidg Name Sec # 1 of 1 Sec # 1 of 1 Print Date 1/8/2023 5:00:33 PM COPROP TAX DEPT 40 SYLVAN RD WALTHAM MA 02451-2286 WALTHAM MA 02451-2286 Proc. All Prict Date 1/8/2023 5:00:33 PM GARDNER, MA Account # Account # Account # Account # Bidg Name Sec # 1 of 1 Print Date 1/8/2023 5:00:33 PM COVATION Description Code Appraised Assessed Sub-Div Proc. GARDNER, MA GARDNER, MA Account # Account # Account # Account # Account # Siale Use 4230 COVATION Description Code Appraised Assessed Sub-Div Proc. GARDNER, MA GARDNER, MA



Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

10891

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

Current datetime: 2/7/2023 3:28:21 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration	
0						
Property-S	Ireet Address and/or De	scription				
Grantors						-
Grantees						·
References	-Book/Pg Description F	lecorded Year				
Registered	Land Certificate(s)-Certi	Book/Pg				

9

SuPlan Book 273 Plan 3

KNOW ALL MEN BY THESE PRESENTS

that Boston and Maine Railroad, a corporation duly established under the laws of the Seventy-five Hundred Dollars (\$7500.00)

Commonwealth of Massachusetts, for/SEPCONETY-mathematical decirement paid and received, to it/by New Bagland Power Company, a corporation duly organized under the laws of the Commonwealth of Massachusetts, the receipt whereof is hereby acknowledged, does bereby give, grant, bargain, sell and convey unto the said New Bagland Power Company its successors and assigns, all of its right, title and interest in and to four (4) certain pieces or parcels of land situated in Gardner, County of Worcaster and Commonwealth of Massachusetts, bounded and described as follows:

Parcel #1: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between Park Street, so-called, on the South and Cemetery Road, so-called, on the North, said parcel coataining about one and twenty-five hundredths (1, 25) acres;

Parcel #2: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Rathroad lying between said Cemetery Road, on the South, and Park Street or Park Street Relocation (Picnic Grounds Crossing) on the North, said parcel containing about eight and eighty-three hundredths (8.83) acres;

Parcel #3: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Ratiroad lying between Park Street or Park Street Relocation (Picnic Grounds Crossing, so-called) on the South and on the discontinued Park Street crossing on the North, said parcel containing about four and fifty-four hundredths (4.54) acres; and

Parcel #4. a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between the discontinued Park Street crossing on the South and Winchendon Street, so-called, on the North, said parcel containing about eighteen and stry-nine hundredths (18.69) acres;

all of said parcels being as shown upon a plan marked: "Boston and Maine Reilroad Proposed Land Sale East of Heywood Station GARDNER, MASS. To New Hingland Power Company J. F. Kerwin Ass't, Chief Eng'r Scale: - Graphic Feb. 1962", to be recorded, amagnofoxinistical stationary to all premises.

By the acceptance of this deed the grantee hexeby covenants and agrees for itself, its successors and assigns, to build and forever maintain a suitable fence along the boundaries of said parcel common to said parcel and remaining land of the granter if a fence is required at any time hexeafter. This covenant is to run with the land hereinabove described and to be binding upon the grantee, its successors and assigns, forever.

Parcel ID:

M37-20-10

Address:

No Formal Address

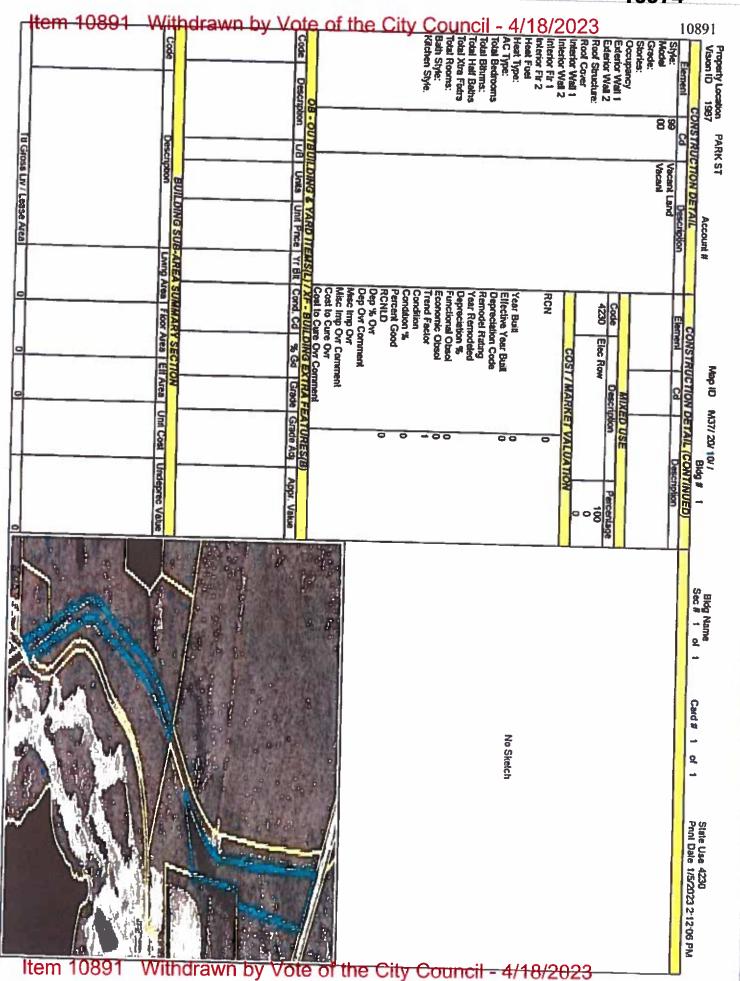
Owner:

New England Power (National Grid)

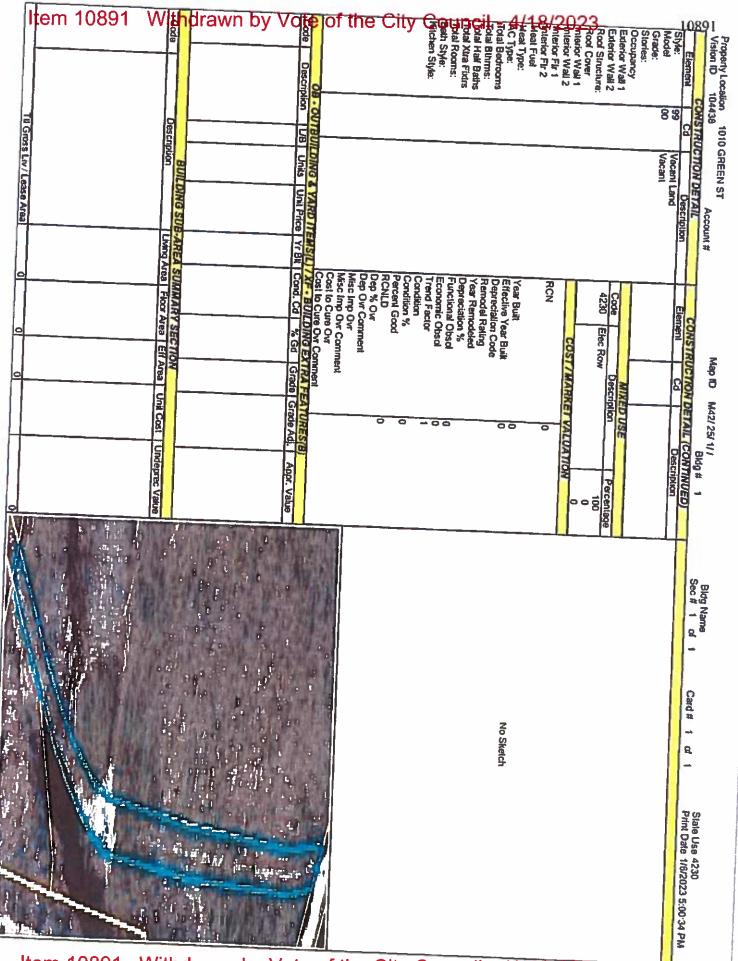
Other:

Wooded Lot

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Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023

10891

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

Current datetime: 2/7/2023 2:26:48 PM

Doc#	Document 1	уре	Town	D-10		
43846	DEED			Book/Page	File Date	Consideration
				04384/9	07/09/1963	
Property-St	eet Address and	or Des	cription			7500.00
	CEMETARY RD,			SOUTH ST		
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	L 2012		1001			
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4384

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See Plan Book 273, Plan 3

KNOW ALL MEN BY THESE PRESENTS

that Boston and Maine Railroad, a corporation duly established under the laws of the Seventy-five Hundred Dollars (\$7500.00) and received, for/SHP GOLLER CHARLEST COMMON PROPERTY COMMON PROP

Parcel #1: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between Park Street, so-called, on the South and Cemetery Road, so-called, on the North, said parcel containing about one and twenty-five hundredths (1. 25) acres;

Parcel #2: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between said Cemetery Road, on the South, and Park Street or Park Street Relocation (Picnic Grounds Crossing) on the North, said parcel containing about eight and eighty-three hundredths (8, 83) acres;

Parcel #3: a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Ratiroad lying between Park Street or Park Street Relocation (Picnic Grounds Crossing, so-called) on the South and on the discontinued Park Street crossing on the North, said parcel containing about four and fifty-four hundredths (4.54) acres; and

Parcel #4, a certain piece or parcel in said Gardner being all of the land or location of the former Worcester Branch of said Boston and Maine Railroad lying between the discontinued Park Street crossing on the South and Winchendon Street, so-called, on the North, said parcel containing about eighteen and sixty-nine hundredths (18,69) acres;

all of said parcels being as shown upon a plan marked: "Boston and Maine Rathroad Proposed Land Sale East of Heywood Station GARDNER, MASS. To New England Power Company J. F. Kerwin Ass'r. Chief Eng'r Scale: - Graphic Feb. 1962", to be recorded, arrappochabidolational content of which reference is hereby made for a further description of said premises.

By the acceptance of this deed the grantee hereby covenants and agrees for itself, its successors and assigns, to build and forever maintain a suitable fence along the boundaries of said parcel common to said parcel and remaining land of the granter if a fence is required at any time hereafter. This covenant is to run with the land hereinabove described and to be binding upon the grantee, its successors and assigns, forever.

10









Excepting from this conveyance any and all tracks and track materials located within the limits of the above described parcels. Said conveyance is hereby made subject to the right of the grantor, its successors and assigns, to maintain said sections of tracks and track material in their present location and to operate locomotives and cars thereon; and further, subject to the right of the grantor, its successors' and assigns, to enter upon the said above described parcel⁶ from time to time and at any and all reasonable times in order to inspect, repair, relay, renew, maintain and remove said tracks and track material. When the tracks are removed, this right will сезве.

TO HAVE AND TO HOLD the above described premises with all the privileges and appurtenances thereto belonging, to the said New Bugland Power Company, its successors and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF the said Boston and Maine Railroad has caused these presents to be executed and its corporate seal to be hereto affixed by G. F. Glacy, a Vice President, thereunto duly authorized, this in the year one thousand nine hundred and sixty-three.







BOSTON AND MAINE RAILROAD



COMMONWBALTH OF MASSACHUSETTS

Suffolk, ss.

Then personally appeared the above named G. F. Glacy, a Vice Presiden of said Boston and Maine Railroad, and acknowledged the foregoing instrument to be the free act and deed of said Boston and Maine Railroad,

before me



My Commission expires Cung. 30, 196

10891

Form 2639

4384

1.1

At a Meeting of the Board of Directors of BOSTON AND MAINE RAILROAD, the called, notified and held on $\frac{13}{19.62}$, a quorum being present, the following action was taken:

"VOTED: to enter into an agreement, the terms of which are to be satisfactory to the President or any Vice President of this Company, for the sale by this Company to Massachusetts Biectric Company (New England Power Company) or nominee, of four (4) parcels of land at Gardner, Massachusetts, for a consideration of \$7,500.00 and

respective acres, containing/arranesof about 1.25 scres, 8.83 acres, 4.54 scres and 18.69/subject to more accurate computation and survey approved by the President or any Vice President of this Company; and the President, or any Vice President of this Company be and he hereby is authorized, in its name and behalf, to execute and deliver such agreement; and further

"VOTED: that the President, or any Vice President of this Company, be and be hereby is authorized in its name and behalf, to execute, acknowledge and deliver a deed of said premises when said further computation and survey have been completed and the signature of such officer on such deed shall be conclusive evidence of his approval of such computation and survey."

I, Maynard W. Bullis , Clerk of said Boston and Maine
Railroad, do hereby certify that New England Power Company,

the grantee in the deed to which this certificate is attached, is the party who has been nominated syntage

to accept such deed; and I further certify that the above mentioned computation and survey have been completed and that the premises described as conveyed by said deed are the same premises authorized to be conveyed in the vote of said Board of Directors hereinabove set forth.

Attest

Recorded July 9, 1963 at 9h. A. M.

M42-25-03

Address:

834 Green St

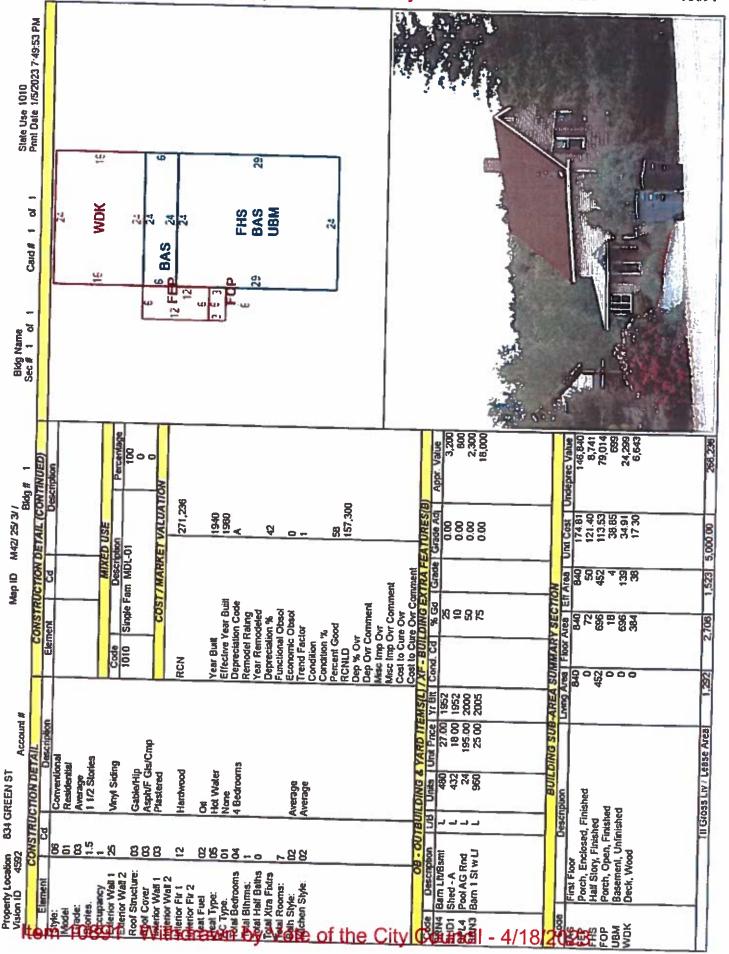
Owner:

Donald Lajoie

Other:

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

	lte	em 10891	With	hdrawn b	y V	ote	of t	he	City	/ Cound	cil	- 4	4/18/202	23			10891
010	Print Date 1/5/2023 7 49:52 PM	316 GARDNER, MA	VISION	Code Assessed 1010 124,300 1010 58,000 1010 18,700	Total 201,000	IRY	157,300	24,300	73,200	254,800	254,800	PirmostfDecide	Measuritisted Measuritisted Building Permit DB Measuritisted Measuritisted Measuritisted Measuritisted	Mensur+2Visit - Info Car	it Pric Land Value		Value 73,200
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Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:20:54 PM

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21368	DEED		42488/182	02/29/2008	1.00		
Property-S	treet Address and/or De	scription					
834 GREEN	IST	· · ·					
Grantors							
LAJOIE DONALD T JR, LAJOIE DONALD T, JOHNSON RHONDA C Grantees							
Grantees							
Grantees LAJOIE DOI		acorded Year					



Bk: 42488 Pg: 182 Page: 1 of 2 02/29/2008 02:20 PM

Deed

We, Donald T. Lajoie, Jr. a/k/a Donald T. Lajoie and Rhonda C. Johnson, of Gardner, Worcester County, Massachusetts, for consideration paid, and in full consideration of

Less Than One Dollar (\$1.00)

Grant to

Donald T. Lajoie, Jr., individually, of 834 Green St., Gardner, Worcester County, Massachusetts

With Quitclaim Covenants

A certain tract of land with the buildings thereon, situated in the northerly part of Gardner, it being a part of the John Eaton Farm, so-called, and being bounded and described as follows:

BEGINNING at a stake and stones at a corner of land now or formerly of Frank S. Learned and on the southerly side of the road leading from Gardner to Winchendon;

THENCE by said road North 33° West, 49 rods and 2 links to a wall;

THENCE South 15° West, 75 rods and 18 links to a stake and stones in the end of the wall;

THENCE by land now or formerly of Charles Eaton South 74 1/4° East, 55 rods and 12 links to a stake and stones;

THENCE again by said Eaton land North 153/4° East, 3 rods and 3 links to a stake and stones at corner of land now or formerly of Frank S. Learned;

THENCE by said Learned land North 40 3/4° West, 33 rods and 21 links to a stake and stones;

THENCE again by said Learned land North 39 1/4° East, 23 rods and 13 links to the place of beginning.

Containing 14 acres, more or less.

ALSO another tract of land lying in the northerly part of Gardner, it being also part of the John Eaton Farm, so called, and being bounded and described as follows:

BEGINNING at a stone monument on land of Charles Eaton and on the southerly side of the road leading from Gardner to Winchendon;

THENCE by the southerly line of said road North 33° West, 25 rods and 19 links to a stake and stones;

THENCE South 39 1/2° West, 23 rods and 13 links to a stake and stones;

THENCE South 40 3/4° East, 33 rods and 21 links to a stake and stones on the line of the aforesaid Eaton land;

THENCE by said Eaton land North 15 3/4°, 22 rods and 14 links to the place of beginning.

EXCEPTING from the above described premises so much thereof as has been taken for highway purposes under two instruments of taking, recorded on October 30, 1936 and February 3, 1939 in Book 2679, Page 584 and Book 2739, Page 13 respectively and a highway taking by the Commonwealth of Massachusetts dated May 10, 1972 and recorded with Worcester District Registry of Deeds at Book 5222, Page 477.

Being the same premises conveyed to Grantors by deed from Donald T. Lajoie, Jr. a/k/a Donald T. Lajoie dated May 11, 2006 recorded with said Deeds at Book 38986, Page 328.

Witness our hands and seals this <u>25</u> day of February 2008.

Donald T. Lajoie, Jr. a/k/a Donald T. Lajoie

Rhonda C. Johnson

Commonwealth of Massachusetts

Worcester, ss

On this day of February 2008 before me, the undersigned notary public, personally appeared Donald J. Lajoie, Jr. a/k/a Donald T. Lajoie and Rhonda C. Johnson, proved to me through satisfactory evidence of identification, which were the latest deciment, the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
My Commission Exp:

Notary Public
Commonwealth of Massochusetts
My Commission Expires

And Description States

My Commission Expires

R37-16-27

Address:

131 Eaton St

Owner:

City of Gardner

Other:

Municipal Driving Range and Wooded lot

Item 10891 1	Withdrawn b	by Vote of the	e City Coun	cil - 4/18/202	3 10891
State Use 9300 Pint Date 1/5/2023 7:48:17 PM 32:900 GARDNER, MA VICTOR	Code Assessed 9300 32,700 32,700		32,900 214,600 0 247,500	Cil - 4/18/20 Purposi/Result Vacent Parcel Measur + Listed M	3
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Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/7/2023 2:23:51 PM

Document Type To	wn Book/Page	File Date	Consideration
DEED	14013/338	03/04/1992	218208.00
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ST & GREEN ST-RTE 14	40	· · · · · · · · · · · · · · · · · · ·	
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MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 692

WE, JOHN W. DENMAN and GEORGIA O. DERMAN, both of Saint Ansgar, Iowa

attacette Manusburga

being sommerical, for consideration paid, and in full consideration of TWO HUNDRED ETGHTEEN THOUSAND TWO HUNDRED EIGHT and 22/100THS (\$218,208.22) --CITY OF GARDNER, a municipal corporation, Brant to

95 Pleasant Street

Gardner, Massachusetts 0144B

with quitclaim communis

the banking

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[Description and encuchrosen, if any]

A certain parcel of land situated on the northerly side of Eaton Street and the westerly side of Green Street, Route 140, in the northerly part of Gardner, Worcester County, Massachusetts, bounded and described as follows:

Boginning at the most northerly corner thereof at a point in the westerly line of Green Street, Route 140, at a corner of land of Donald T. Lajoie;

Thence S. 46 11' 30" E., about 200 feet to a point of

Thence SOUTHERLY, by a curve to the right having a radius of 1962.20 feet, a distance of 1449.43 feet to a point of tangency; Thence 5. 3 52' 08" E., 742.80 feet to a point of curvature;

Thence SOUTHERLY, by a curve to the left having a radius of 5789.58 feet, a distance of about 115 feet to a point in the wasterly line of the former (1939), layout of Green Steet, the preceding four courses being by the present line of Green Street, Route 140, as laid out in 1972 under taking recorded with Norcester District Registry of Deeds, Book 5222, Page 477, Plan Book 364,

Plan 16, on a "true" datum, whereas the remaining courses herein are on a "magnetic" datum;

Thence S. 19 21' W., by the "old" line of Green Street, under taking recorded with said Deeds, Book 2739, Page 13, Plan Book 107, Plan 36, about 55 feet to the beginning of a curve that rounds the northwesterly intersection of the wasterly line of Green Street and the northerly line of Eaton Street;

Thence SOUTHERLY, SOUTHWESTERLY, and WESTERLY by a curve to the right having a radius of 45.28 feet, a distance of 70.14 feet to a point of tangency in the northerly line of Eaton Street;

Thence WESTERLY, by the northerly line of Eaton Street, about 1263 feet to a stone wall at land of Albert P. and Laura E. Zlotník;

Thence N. 16 03' E., about 391 feet;
Thence N. 81 27' W., 537.8 feet to a corner of stone walls, the preceding two courses being by a stone wall and by said Clotnik land:

Thence N. 19 09' E., partly by a stone wall, by said Zlotnik land and land of the New England Power Company, 1584.3 feet to a corner of land of the aforementioned Donald T. Lajoie;

Thence S. 71 23' E. 919 feet; Thence N. 18 53' E., about 400 feet to the point of beginning in the westerly line of Green Street, the preceding two courses being by said Lajoie land.

The about described premises are conveyed subject to easements as set forth in the following instruments if and to the extent that the same are still in force and effect, and not intending to reimpose the same.

Charles Eaton and Sarah M. Eaton to the Connecticut River Power Co. dated January 3, 1908 and recorded in Morcester District Registry of Deeds, Book 1883, Page 304;

Charles Eaton and Sarah M. Eaton to Connecticut River Transmission Co. dated May 3, 1909 and recorded in Book 1904, Page

George A. Keyworth and Sarah E. Reyworth to New England Power Co. dated February 11, 1930 and recorded in Book 2515, Page 377; George Keyworth and Sarah E. Keyworth to New England Power Co.

dated September 5, 1919 and recorded in Book 2193, Page 77; To New England Power Company recorded in Book 2799, Page 345, and drainage and slope easements in connection with the construction and relocation of Green Street, Route 140, under said taking recorded in Book 5222 Page 17 Chines

PROPERTY ADDRESS:-Eaton Street Gardner, Massachusetts

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Herbert E. Brooks et ux to New England Tel. and Tel. Company and Massachusetts Electric Company dated Hay 1, 1964 and recorded in Book 4638, Page 160.

Excepting from the above described premises the following parcel of land, with the buildings thereon, situated on the northerly side of Eaton Street and the westerly side of Green Street in Gardner, Morcester County, Massachusetts, bounded and described as follows:

Beginning at the northeasterly corner thereof, at a point in the westerly line of Green Street, at a corner of other land of John W. & Georgia O. Denman, said point being located S 3-52'08"E along said street, line a distance of 300.00 feet from a granite bound at a point of curvature in said atreet line; thence 5 03-52'-08"E. 442.80 feet to a granite bound at a point of curvature; thence southerly by a curve to the left, having a radius of 5789.58 feet, an arc length of 114.72 feet to a point that is not tangent; 5 2-08'43"W, 55.97 feet to a point or curvature of a curve that rounds the northwesterly intersection of the westerly line of Green Street with the northerly line of Eaton Street, the preceding three courses being by the said line of Green Street; thence southwesterly and westerly, by said intersection, by a curve to the right having a radius of 45.28 feet, an arc length of 70.14 feet to a point of tangency in the northerly line of Eaton Street; thence N 89-06'17"W, 203.39 feet to a granite bound; thence N 89-52'01"W, 331.07 feet to a point on a stone wall; thence N 78-44'16"W, 43.16 feet; thence N 73-26'02"W, 31.37 feet to a drill hole at a corner of stone walls at other land of the first mentioned John W. & Georgia O. Denman, the preceding two courses being by a stone wall and the preceding four courses being by the said line of Eaton Street; thence N 2-29'51"W, 392.61 feet; thence N 6-34'40"W, 117.87 feet; thence N 17-18'36'W, 36.79 feet, the preceding three courses being by a stone wall; thence N 82-12'59 E, 663.80 feet to a point in the westerly line of Green Street and the point of beginning, the preceding four courses being by said Denman land. Containing 9.113 acres.

Subject, however to a Slope & Drain Easement, known as "Parcel 7-DS-3" according to the 1972 State Highway Layout No. 6004, for Green Street. Said Easement is situated at the northeasterly corner of the above described pregimes.

corner of the above described premises.

Being shown on a plan entitled: "Plan of Land of John W. & Georgia O. Denman in Gardner, (Worcester County), Massachusetts, Scale: 1 inch = 60 feet--February 26, 1992, Szoc Surveyors, 32 Pleasant St., Gardner, MA-01440-" to be recorded herewith:

Meaning and intending to convey a portion of the premises described in a deed from Stephan A. Brooks, Executor, to grantors, dated December 18, 1981, and recorded in the Worcester District Registry of Deeds in Book 7286, Page 129.

^{*}and Parcel 7-D-1-C **in Plan Book 656 , Plan //O .

ECG: 14013PEGE340

Bitingusband s and seal is th	day of Fobruary 19.2
####	Const Day
	ances C. Deannes
TELES	Georgia O. Denman
STATE OF	IOWA
Clouke a	February 29, 19 92
Then personally appeared the above named	John W. Denman and
Georgia O. Denman	and the second state of the second se
nd acknowledged the foregoing instrument to be	their, free act and deed, before me Daula C falult Noticy Public ADMINISTRATION My commission expires 12-9-94
	LAURIA C. COMIL TZ MY COMMISSION DOWNERS

CHAPTER IS) SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

Every deed presented for second shall consider the world upon it the full name, residence and post office address of the granter and a recital of the amount of the full consideration thereof in dollars or the nature of the ether consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the sotal price for the emverance without deduction for any lious or treatments and accurate the granter or evanishing thereon. All such endorsoments and recitals shall be recorded as part of the dord. Failure an omaply with this section shall not affect the validity of any dord. No register of deeds shall accups a deed for recording unless is in in compliance with the requirements of this section.

M37-01-02

Address:

No Formal Address

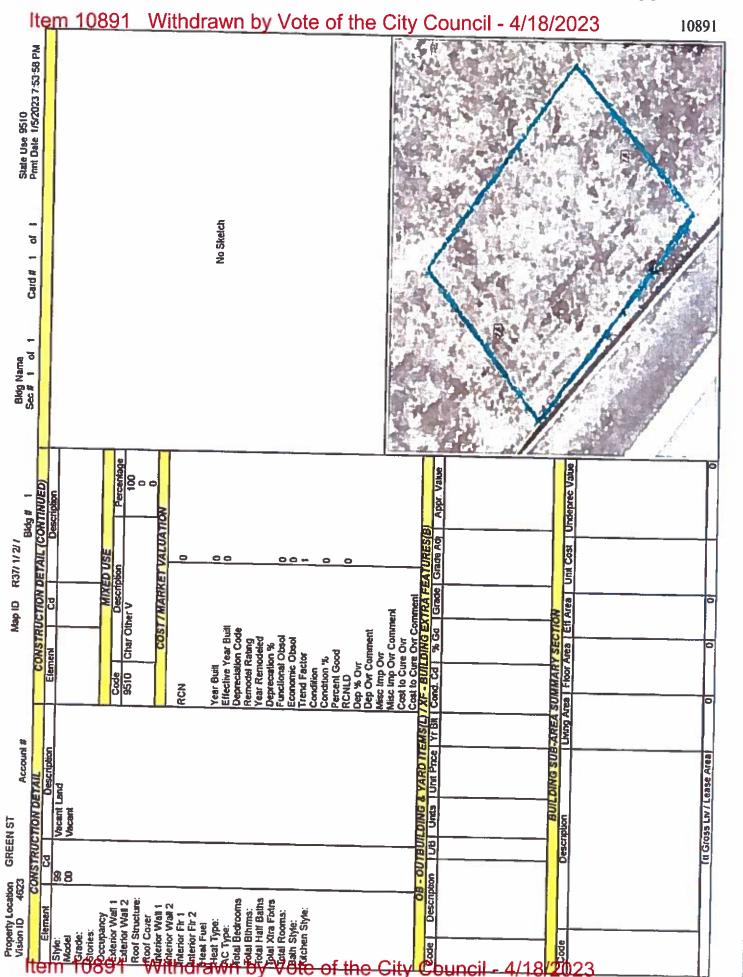
Owner:

GAAMHA, Inc.

Other:

Current use protected under the Dover Amendment, MGL c.40A, §3- Exempt from Zoning

Item 10891	Withdrawn by Yo	to <mark>of the City C</mark> our	ncil - 4/18/2023	10891
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Item 10891	Withdrawn by Vot	I I I I I I I I I I I I I I I I I I I	cii - 4/18/2023 -	



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

Current datetime: 2/7/2023 2:37:43 PM

Dock	Document Type	Town	Book/Page	File Date	Consideration
146123	DEED		66317/109	10/18/2021	100.00
Property-S	Ireet Address and/or Des	cription			100.00
MNCHEN	DON RD				
Grantors					
LEBLANC T	HOMAS R, ROSENBLAT	TT DEBORAH M, M	CAVOY JOANN M, LEBL	ANC STEVEN J, MCA	/OY ROBERT, LEBLANC LINDA
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Item 10891 Withdrawn by Vote of the City เองนึกใช้เป๋ 1094/18/2023

10891

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number
Document Type
Recorded Date

Recorded Date
Recorded Time

Number of Pages(including cover sheet) 8. Receipt Number 13

Recorded Book and Page

Recording Fee (including excise)

: 146123 : DEED

: October 18, 2021 : 02:07:25 PM

: 66317 / 109

: 8 : 1388460

\$155.00

MASSACHUSETTS EXCISE TAX
Worcester District ROD #20 001
Date: 10/18/2021 02:07 PM
Ctrl# Doc# 00146123
Fee: \$.00 Cons: \$100.00

Worcester South District Registry of Deeds Kathryn A. Toomey, Register 90 Front St Worcester, MA 01608 (508) 798-7717

Easterly Side of Winchendon Road, Gardner, MA 01440

QUITCLAIM DEED

We Thomas R. LeBlanc, being unmarried, of 339 Salisbury Street, Worcester, MA, 01609, Deborah M. Rosenblatt, being unmarried, 125 Cocassett Street, Unit A, Foxboro, MA, 02035, Joann M. McAvoy, being a married person, of 125 Cocassett Street, Unit B, Foxboro, MA, 02035, and Steven J. LeBlanc, being a married person, of 42 Rence Drive, Felton, DE 19943, Grantors

for consideration paid of LESS THAN ONE HUNDRED and 00/100 (\$100.00) DOLLARS, grant to

GAAMHA, Inc., a Massachusetts not for profit corporation, in good standing, with a mailing address of 208 Coleman Street, Gardner, MA, 01440, Grantee

with quitclaim covenants

A certain tract of land situated on the easterly side of the Winchendon Road in said Gardner, Worcester County, Massachusetts, bounded and described as follows:

COMMENCING at an iron pipe 100 feet northwesterly from a stone bound at land of the City of Gardner;

THENCE northwesterly by the easterly line of said highway, 100 feet to an iron pipe;

THENCE at an included angle of 90° northeasterly by other land now or formerly of GAAMHA, Inc., 100 feet to an iron pipe;

THENCE at an included angle of 90° southeasterly 100 feet to an iron pipe;

THENCE at an included angle of 90° southwesterly 100 feet to the place of beginning, the last two courses being by land now or formerly of Francis R. Cosentino.

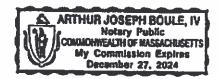
Excepting from the foregoing premises, however, so much thereof as may have been taken for highway purposes.

Grantor(s) hereby releases any and all homestead rights to the premises and certify under the pains and penaltics of perjury that there are no other persons entitled to protection of the Homestead Act. The Grantor(s), further state, pursuant to M.G.L. c. 188, § 13, under onth and subject to the pains and penaltics of perjury, do hereby depose, state and certify that: (i) that no spouse, non-owner spouse, former spouse, or any other person resides at the home, is entitled to claim the benefit of an existing estate of homestead; and (ii) at the time of delivery of this deed, no spouse, former spouse, or any other person is entitled to claim the benefit of an existing estate of homestead.

The preparer of this Deed has not conducted a title search.

Being the same premises conveyed to us by Deed of Deborah M. Rosenblatt, Trustee under the Last Will and Testament of Noella M. LeBlane, Docket No. WO132966EA, dated August, 2021, recorded in the Worcester South District Registry of Deeds in Book 66515.

THE REMAINDER OF THIS PAGE IS BLANK SIGNTURES TO FOLLOW

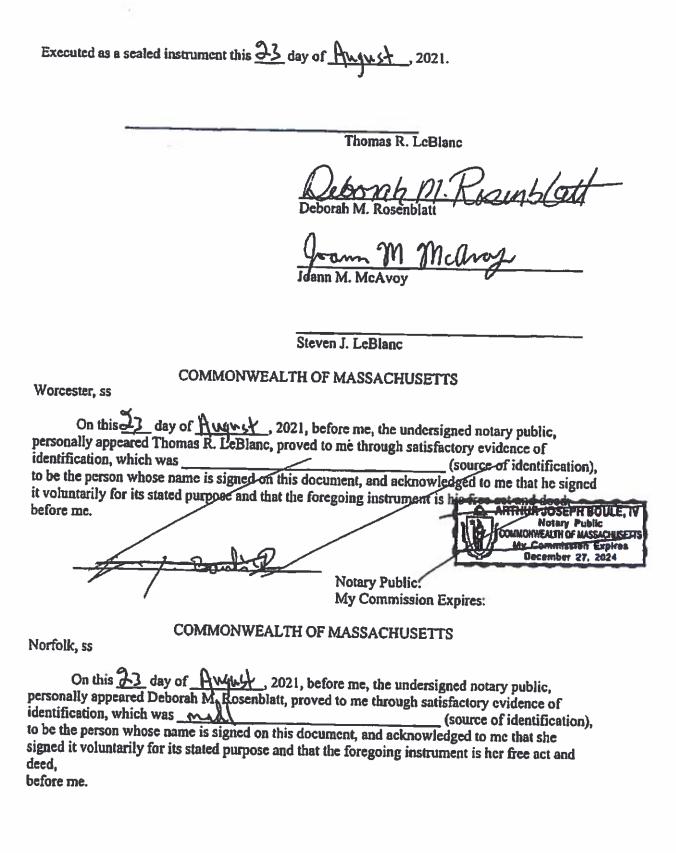


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Notary Public: Arthur J. Batt I My Commission Expires: 12/27/14

- "*\0\/\&\	
COMMONWEALTH OF MASSACHUSETTS	
Norfolk, ss	
On this 23 day of Aug. 7, 2021, before me, the undersigned notary public, personally appeared Joann M. McAvoy, proved to me through satisfactory evidence of identification, which was	
before me. ARTHUR JOSEPH BOL Notary Public COMMONWEALTH OF MASSAC My Commission Exp December 27, 20	CHUS
Notary Public: Arthur J. Baste V My Commission Expires: 12/37/24	•
I, Robert McAvoy, spouse of Joann M. McAvoy, hereby release all my right, title and interest Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.	in
Robert McAvoy	
COMMONWEALTH OF MASSACHUSETTS	
Norfolk, ss	
On August, 2021, before me, the undersigned notary public, personally appeared Robert McAvoy, the above-named and proved to me through satisfactory evidence of identification being , to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpos and that the foregoing instrument is his/her free act and deed.	d se
Notary Public: Arthur J. Book W. COMM EYFACI: 12-27-1014	
ARTHUR JOSEPH BOULE, IV Notary Public COMMONMENTH OF MASSACHUSETTS	

Item 10891 Withdrawn by Vote of the City Council - 4/18/2023



Executed as a sealed instrument this 28H day of august, 2021.
Thomas R. LeBlanc
Deborah M. Rosenblatt
Joann M. McAvoy
Steven J. LeBlanc COMMONWEALTH OF MASSACHUSETTS
On this 26 day of August, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was Mt Drivers (3000000000000000000000000000000000000
COMMONWEALTH OF MASSACHUSETTS Norfolk, ss
On this day of, 2021, before mc, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before mc.

Executed as a sealed instrument this 315 day of Angust, 2021.
Thomas R. LeBlanc
Deborah M. Rosenblatt
Joann M. McAvoy
Steven J. LeBlanc
COMMONWEALTH OF MASSACHUSETTS Worcester, ss
On this day of, 2021, before me, the undersigned notary public, personally appeared Thomas R. LeBlanc, proved to me through satisfactory evidence of identification, which was (source of identification), to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.
Notary Public: My Commission Expires:
COMMONWEALTH OF MASSACHUSETTS Norfolk, 55
On this day of, 2021, before me, the undersigned notary public, personally appeared Deborah M. Rosenblatt, proved to me through satisfactory evidence of identification, which was (source of identification), to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed, before me.

STATE OF DELAWARE

On this 31 day of Agest, 2021, before me, the undersigned notary public, personally appeared Steven J. LeBlanc, proved to me through satisfactory evidence of identification, which was belong to be the person whose name is signed on this document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the foregoing instrument is his free act and deed, before me.

Notary Public: My Commission Expires:

I, Linda LeBlanc, spouse of Steven J. LeBlanc, hereby release all my right, title and interest in Homestead rights for the property known as Easterly Side of Winchendon Road, Gardner, Worcester County, Massachusetts.

Linda LeBlanc

STATE OF DELAWARE

Kent, ss

On 3, 5 day of August, 2021, before me, the undersigned notary public, personally appeared Linda LeBlanc, the above-named and proved to me through satisfactory evidence of identification being 1 days 1 from 5 transported to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.

Notary Public:

My Commission Expires

ATTEST: WORC Kathryn A. Toomey, Register

M47-22-04

Address:

No Formal Address

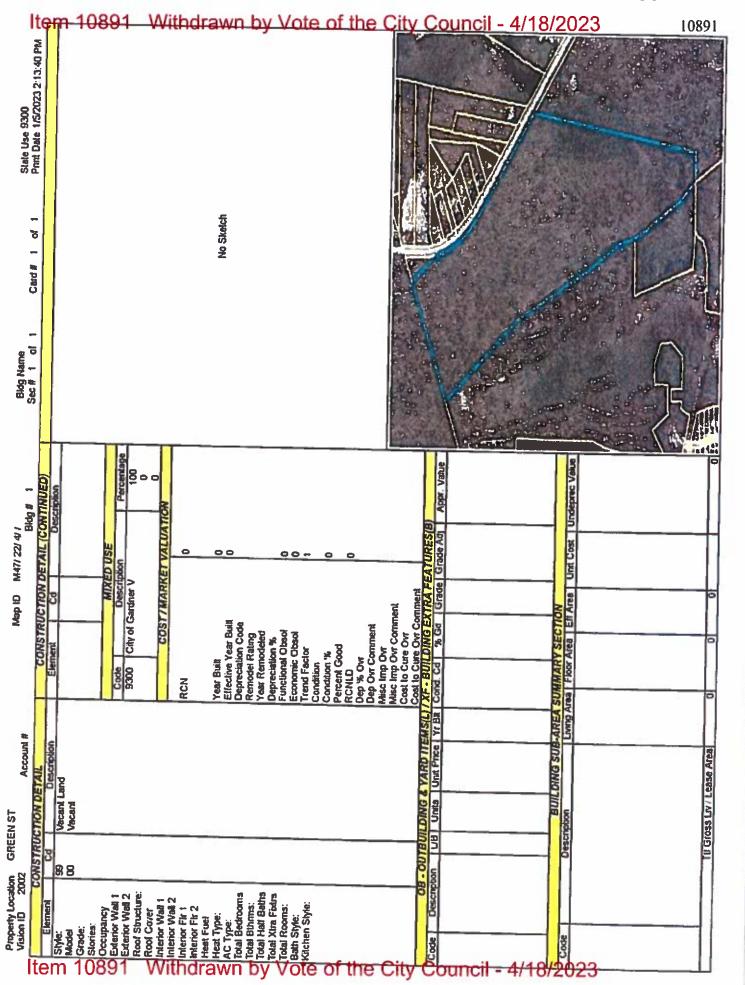
Owner:

City of Gardner

Other:

Vacant Wooded Lot

Item 10891 Wi	thdrawn	by Vote of the City Cou	ncjl - 4/18/2023 1089	1
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Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

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Property-Stree	et Address and/or Des	scription			
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Grantors					
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Grantees				_	
References-Bo	ok/Pg Description R	ecorded Year			
Registered Lar	nd Certificate(s)-Certif	Book/Pg			

the mortgagee shall have the statutory power of sale.

IN WITNESS WHEREOF 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 Massacinsetts
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

A special meeting of the Stockholders and Directors of Elgin, Inc. was held at the office of Seder & Seder, 307 Slater Bldg., Worcester, Mass. on Friday, July 30, 1937, at 10 o'clock A. M. Present were all the Stockholders and Directors.

On motion duly made and seconded it was VOTED er 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. 3lm. P. M. Ent'd & Ex'd

I, Harriet G. Heywood, of Gardner, Worcester County, Massachusetts, being unmarried, for consideration paid, grant to City of Gardner, a municipal corporation, in the County of Worcester, Commonwealth of Massachusetts, with WARRANTY covenants. Certain real estate situated in GARDNER, Lorcester County, Massachusetts, bounded and described as follows, to wit: Beginning at a stake in the west line of Green Street which is 122.1 feet from a stone monument situated northerly in said westerly line of said Green Street; thence N. 83° 15' W. 140 feet to an angle in the wall; thence N. 77° 15' W. 73 feet to a corner at land of Heirs of Henry Heywood; thence easterly by land of Susan G., Hattie A., Fred and Chas. M. Coolidge 5 rods to an angle; thence easterly by said Coolidges' land 8 rods and 6 links to a stake in the west line of said street; thence northerly by said street line to the place of beginning.

northerly by said street line to the place of beginning.

Also another tract of land adjoining the above described tract and Also another tract of land adjoining the above described tract and bounded and described as follows: Beginning at the southeast corner thereof at a corner of land formerly owned by Oliver H. Brown and on the west side of Green Street; thence running N. 80 1/4° W. by said Brown land on the wall to a corner of the wall at land of Artemas Cooledge; thence N. 27 1/4° B. by said Cooledge land 7 rods 5 links to a corner; thence N. 78 1/2° E. 5 rods; thence N. 87 1/2° E. 8 rods 6 links to the line of said Green Street; thence southerly by the line of said street to the place of beginning. Containing 5/8 of an acre, more or less.

Being the same premises conveyed to me by Administrator's deed of Daniel H. Parker dated April 20, 1935 and recorded with Worcester District Deeds, Book 2640, Page 356.

Subject to five-twelfths of the taxes due the City of Gardner for the year 1937.

year 1937.
WITNESS my hand and seal this 29th day of July 1937.
Harriet G. Heywood (seal)

Worcester, ss. Gardner, July 29, 1927. 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 Rec'd July 30, 1937 at 4h. 32m. P. W. Ent'd & Ex'd

Heywood Farm; Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts, and having a usual place of business at Gardner, Worcester County, Massachusetts for consideration paid, grants to the City of Gardner, a municipal corporation, in the County of Worcester, Commonwealth of Massachusetts, with WARRANTY covenants, the land in GARDNER and WINCHENDON, in said County and Commonwealth,

bounded and described as follows, to wit:

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

Heywood

to

City of Gardner

1-\$2.00 Stamp Cancelled

Heywood Farm, Inc.

to

City of Gardner

Property NOT Included In Zoning Change Proposal

M42-14-03

Address:

No Formal Address

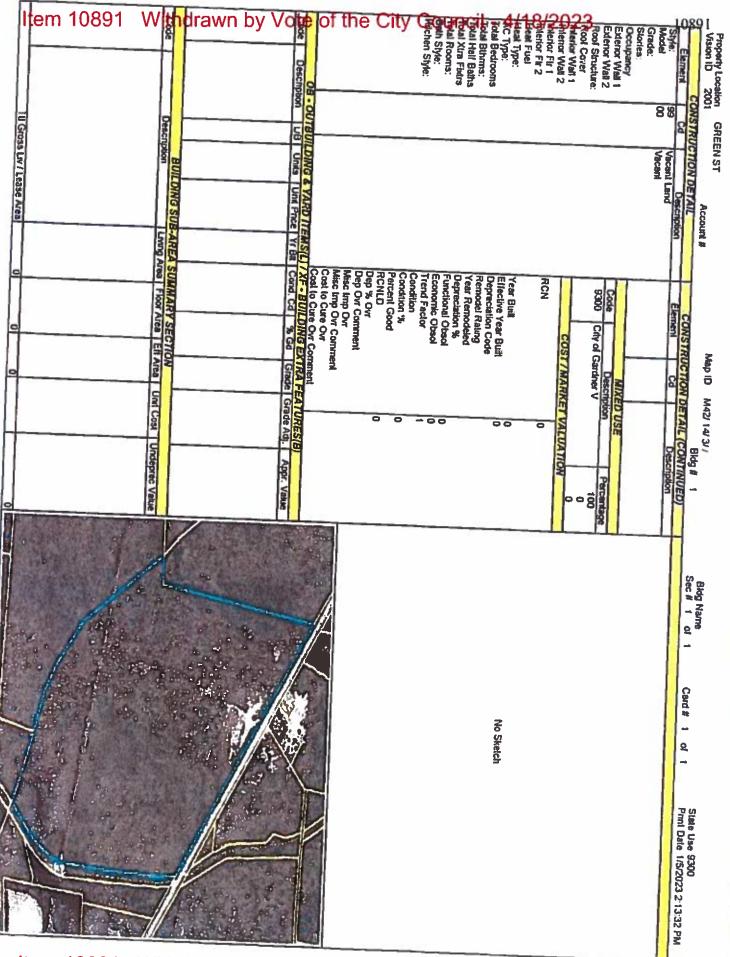
Owner:

City of Gardner

Other:

Gardner City Forrest
Protected by Article 97 of the
Massachusetts Constitution

799 700	Total Land Value	[OLD	-	-				8_	Parcel Total Land Area: 313 00	i Total Lan	Parce	AC AC	313.00	I Card Land Units	Total Car			THE
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Land Value	Adj Unit Pric		Special Use			Notes	Nbhd. Adj	No.	ğ	-	1 /4	+	┰	1	_	City of Garde	- 1	g
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City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 13, 2023

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

RE: Authorization of Prior Year Expenditure

Dear Madam President and Councilors,

Attached, please find a request for authorization to pay a bill that was received for services in the previous fiscal year.

This bill relates to energy and utility costs associated with the City's Solar credits and metering credits.

Respectfully Submitted,

Michael J. Nicholson Mayor, City of Gardner

AUTHORIZING PAYMENT OF PRIOR YEAR OPERATING EXPENDITURE

ORDERED: To authorize payment of prior year VARIOUS DEPTS operating expenditure account for prior year, as follows:

FY2022 VARIOUS DEPT ENERGY&UTILITY ACCTS \$5,109.19



INVOICE

Issued to City of Gardner 95 Pleasant Street Gardner, MA 01440

Due on or before 04-17-2023

Billing Period 05/01/2022 - 01/31/2023

Invoice Number 23-GAR-GAR-3

Invoice Date 03-16-2023

Description

Generation Fee (May 2022)

Generation Fee (June 2022 - January 2023)

Generation (kWh) 16,675.58 245,370.70 Rate (per kWh) 0.10721 0.10829 Amount Due \$ 1,787.79 \$ 26,571.19

\$ 28,358.98

\$ 28,150.33

\$ 7,951.36

\$ 20,198.97

\$ 48,557.95

Total New Charges
Previous Balance
Payment Received
Outstanding Balance
Total Due

Invoice Number 23-GAR-GAR-3

Payment Information:

Solar ProjectCo 2013 II LLC U.S. Bank ABA: 104000029 ACCT: 105701885789 Due on or before 04-17-2023

Total Due \$ 48,557.95



Invoice Issued By:

Gardner Solar 1, LLC c/o Soltage, LLC 333 Washington Street, Suite 401 Jersey City, NJ 07302

For questions regarding this invoice, please contact Accounting at (201) 432-1786 or email to assetmanagement@soltage.com

Performance Report

Project: Gardner

Month	Originally Invoiced Production	Corrected Production	Difference(Soltage Production)
May	126,242	142,917	16,676
June	328,027	371,908	43,881
July	373,136	423,793	50,657
August	335,640	381,186	45,546
September	278751	315058.62	36307.62
October	219438	248028.3	28590.3
November	185,636	207,818	22,182
December	110,796	122,006	11,210
January	73,427	80,423	966'9
Meter Total (kWh)	2,031,092	2,293,139	262,046
Total Uninvoiced (kWh)		262,046	





CITY OF GARDNER POLICE DEPARTMENT

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



Eric P. McAvene Chief of Police Nicholas P. Maroni Deputy Chief of Police

December 1, 2022

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

Re: Regan Street One-Way Proposal

Dear Madam President and Councilors,

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

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

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

 Name of Street
 Direction of Travel
 Location

 Regan Street
 Northerly
 From Baker Street to Parker Street

Very truly yours,

Eric P. McAvene Chief of Police

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

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

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

Name of StreetDirection of TravelLocationReagan StreetNortherlyFrom Baker Street to Parker Street

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

BOWLING ALLEY FEE - \$30.00 FOR 1 LANE + \$15.00 FOR EACH ADDITIONAL LANE BILLIARD TABLE FEE - \$30.00 FOR 1 TABLE + \$15.00 FOR EACH ADDITIONAL TABLE



CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET – ROOM 121 TELEPHONE (978) 630-4058 FACSIMILE (978) 630-2589



APPLICATION FOR BILLIARD TABLE AND/OR BOWLING ALLEY LICENSE

APPLICANT INFORMATION		
Applicant / Licensee Name: Brian Favreau		
Applicant / Licensee Address: 123 Main St.		
Applicant / Licensee phone number(s): 6329710 Applicant / Licensee E-mail:		
Social Security Number XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
ESTABLISHMENT INFORMATION		
Establishment Name: BRIAN'S BOWLAWAY		
Establishment address: 123 Main St Establishment Phone: 978 632 9710		
On-Site manager / contact person: BRIAN FAVREAU		
License(s) applied for Bowling Alley No. of lanes? Mo. of billiard tables?		
THE APPLICANT CERTIFIES THAT ALL STATE TAX RETURNS HAVE BEEN FILED AND ALL STATE AND LOCAL TAXES REQUIRED BY LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.		
I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §177 AND §§ 201-205.		
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY. DATE SIGNED 4-10-22 INDITION OF AUTHORIZED CORPORATE OFFICER OR APPLICANT		

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

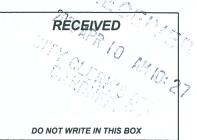
LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL APPLICATION FORM, WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

BILLIARD TABLE AND BOWLING ALLEY LICENSES EXPIRE ON APRIL 30TH ANNUALLY



CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET – ROOM 121 TELEPHONE (978) 630-4058 FACSIMILE (978) 630-2589



APPLICATION FOR FORTUNE TELLER LICENSE Name of Applicant: Katherne Saab Applicant's Length of Residency in Gardner and Years Residing: Name of Business: The Witches' Wardrobe Owner of Business: Katherine Sugb 3 Elizabeth Name of Manager of Business: _ Katherus Saab Address of Business: 314 Central St Gardner Ma Telephone # of Business: 508 574 5478 Facsimile # of Business: **Expected Opening Date:** Hours of Operation (specify days of week along with opening and closing hours): List all services which will be provided. Please attach additional pages if necessary. Name/Type of Service Clothing sales, art + jewelry sales, sale of handmade Hems and Tarot reading by appointment.

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

I have received and read the provisions of Massachusetts General Law Chapter 140, §1851.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT DATE SIGNED

4/1/2023

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

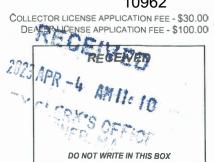
LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL APPLICATION FORM, WORKERS' COMPENSATION AFFIDAVIT, AND CORI FORM AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

FORTUNE TELLER LICENSES EXPIRE ON APRIL 30TH ANNUALLY



CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET – ROOM 121 TELEPHONE (978) 630-4058 FACSIMILE (978) 630-2589



APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES
☐ New ☐ Renewal ☐ Change of Location
APPLICANT INFORMATION
Applicant / Licensee Name: GameSto, Inc.
Applicant / Licensee Address: 625 Westport Pkwy., Grapevine, TX 76051
Applicant / Licensee phone number(s): 817-424-2000
Applicant / Licensee E-mail: Licensingandsalestax@gamestop.com
Social Security number: OR Business FID number 41-1609563
ESTABLISHMENT INFORMATION
Establishment Name: GameStop #3725
Establishment address (Current): 376 Timany Blvd., Gardner, MA 01440
Establishment address (New, if applicable): Licensingandsalestax@gamestop.com
Establishment Phone: 976-630-0282
On-Site manager / contact person: Tom Clark-Mason
For which type of license(s) are you applying? SecondHand Dealer License
Check all that apply to this Application:
SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.
SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.
What types of articles will be purchased, stored, and/or sold?
Retail Sales of New/Used video games, consoles, electronic device & accessories
Where at the licensed address will the articles be stored, displayed, etc?
Massachusetts Sales & Use Tax Registration number: 1890082816 (Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)

The applicant certifies that all State tax returns have been filed and all State and local taxes required by LAW HAVE BEEN PAID AND AGREES TO COMPLY WITH THE TERMS OF ITS LICENSE AND APPLICABLE LAW, AND ALL RULES AND REGULATIONS PROMULGATED THERETO. I FURTHER CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE AND ALSO AUTHORIZE THE LICENSING AUTHORITY OR ITS AGENTS TO CONDUCT WHATEVER INVESTIGATION IS NECESSARY TO VERIFY THE INFORMATION CONTAINED IN THIS APPLICATION.

I HAVE RECEIVED AND READ THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 140, §§54-56, §§202-205 AND CHAPTER 450 OF THE CODE OF THE CITY OF GARDNER GOVERNING JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES:

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE

DATE SIGNED 3-30-23

OFFICER OR APPLICANT

NOTICE: THE FILING OF THIS APPLICATION CONFERS NO RIGHTS ON THE PART OF THE APPLICANT TO UNDERTAKE ANY ACTIVITIES UNTIL THE LICENSE HAS BEEN GRANTED. THE ISSUANCE OF A LICENSE UNDER THIS SECTION OR SECTIONS IS SUBJECT TO THE APPLICANT'S COMPLIANCE WITH ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, BYLAWS, RULES OR REGULATIONS. THE LICENSING AUTHORITY RESERVES THE RIGHT TO REQUEST ANY ADDITIONAL INFORMATION IT REASONABLY DEEMS APPROPRIATE FOR THE PURPOSE OF DETERMINING THE TERMS AND CONDITIONS OF THE LICENSE AND ITS DECISION TO ISSUE A LICENSE. THE PROVISIONS OF G.L. C.152 MAY REQUIRE THE FILING OF A WORKERS' COMPENSATION INSURANCE AFFIDAVIT WITH THIS APPLICATION. FAILURE TO FILE THE AFFIDAVIT, ALONG WITH ANY OTHER REQUIRED INFORMATION AND/OR DOCUMENTATION, SHALL BE SUFFICIENT CAUSE FOR THE DENIAL OF THE LICENSE APPLICATION.

LICENSE APPLICATION PROCESSING FEE MUST BE SUBMITTED WITH THIS FORM. MAKE CHECK PAYABLE TO CITY OF GARDNER. MAIL COMPLETED APPLICATION FORMSAND THE WORKERS' COMPENSATION AFFIDAVIT AND CHECK TO: CITY CLERK, 95 PLEASANT STREET, ROOM 121, GARDNER, MA 01440-2690.

> **JUNK DEALERS AND DEALERS IN SECOND HAND ARTICLES LICENSES** EXPIRE ON APRIL 30TH ANNUALLY.





CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET – ROOM 121 TELEPHONE (978) 630-4058 FACSIMILE (978) 630-2589

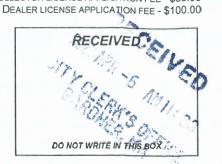


APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES
☐ New ☐ Renewal ☐ Change of Location
APPLICANT INFORMATION
Applicant / Licensee Name: Joseph Valardi Applicant / Licensee Address: 36 Donovan Rd N Brookfield MA 0153
Applicant / Licensee phone number(s): 978-990-0307
Applicant / Licensee E-mail: gardnerca ayahoo.com
Social Security number: OR Business FID number 04-3073078
ESTABLISHMENT INFORMATION
Establishment Name: Gardyer Cours & Cards Inc
Establishment address (Current): 18 Parker St., Gardner
Establishment address (New, if applicable):
Establishment Phone: <u>978-632-7123</u>
On-Site manager / contact person: Joseph Valandi
For which type of license(s) are you applying? 2nd Hand Dealer
Check all that apply to this Application:
□ SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.
SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.
What types of articles will be purchased, stored, and/or sold? frecious Malas
Sports Memorabilia Antiques
Where at the licensed address will the articles be stored, displayed, etc?
Massachusetts Sales & Use Tax Registration number: 043073078 (Attach a copy of your Massachusetts Sales & Use Tax Registration Certificate)



CITY OF GARDNER MASSACHUSETTS 01440

95 PLEASANT STREET – ROOM 121 TELEPHONE (978) 630-4058 FACSIMILE (978) 630-2589



COLLECTOR LICENSE APPLICATION FEE - \$30.00

APPLICATION FOR LICENSE TO COLLECT OR DEAL IN SECOND HAND ARTICLES			
☐ New ☐ Renewal ☐ Change of Location			
APPLICANT INFORMATION			
Applicant / Licensee Name: Hopeful Boutique			
Applicant / Licensee Address: 29 Pleasant St Gardner			
Applicant / Licensee phone number(s): 978-630-4753 978-630-0400			
Applicant / Licensee E-mail: mckins chopelgardner org			
Social Security number: OR Business FID number 04-3300490			
ESTABLISHMENT INFORMATION			
Establishment Name: House of Reace: Education / Hope Ful Boutique			
Establishment address (Current): 39 Pleason + St			
Establishment address (New, if applicable):			
Establishment Phone: 978-630-4752			
On-Site manager / contact person: Jessica Mckinnon			
For which type of license(s) are you applying? License to Buy Sell Second Hand Articles			
Check all that apply to this Application:			
SECONDHAND COLLECTOR has the same meaning as the term "junk collector" in MGL c.140, § 56.			
SECONDHAND DEALER has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.			
What types of articles will be purchased, stored, and/or sold? Upscale womens clothing			
donated			
Where at the licensed address will the articles be stored, displayed, etc? 29 Pleasant St			

Pole & UG Petition/Permit Request Form

City Town of Gardner		WR# 24639352	2	
(circle one) Install4	SQ	Cross St		
Remove(quantity)	SO JO Poles on (circle one)	(street nan	ne)	
Relocate(quantity)	SO JO Poles on (circle one)	(street nan	ne)	
Beginning at a point approxin	nately 15 (distance)	feet North (compass heading	of the centerline	
of the intersection of Lawrence St and Cross St (street name)				
and continuing approximately 800' feet in a West direction. (distance)				
Install underground facilities:				
Description of Work Install 4 new poles on Cross St				
ENGINEER Rob Proude				
DATE 11/02/2022				

Distribution Design

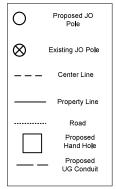
Updated by: JMD.

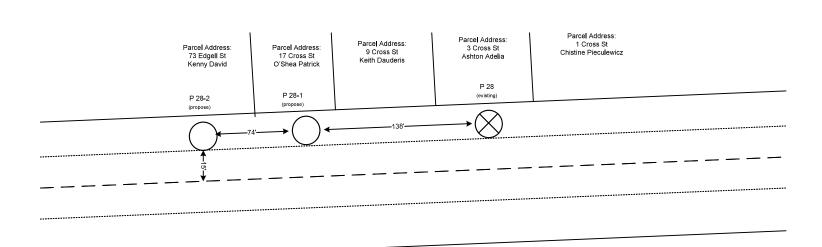
Last Updated: 07/30/10

PETITION SKETCH TOWN OF GARDNER WORCESTER COUNTY



Legend





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



Designer: Rob Proude ControlPoint Technologies, Inc. 200 Ledgewood Place, Rockland, MA 02370 781-423-3082 Petition Sketch for Poles 28-1, & 28-2 Cross St Gardner, MA WR#24639352

nationalgrid

#24639352

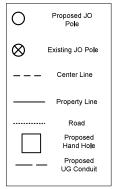
Not To Scale Distances are Approximate

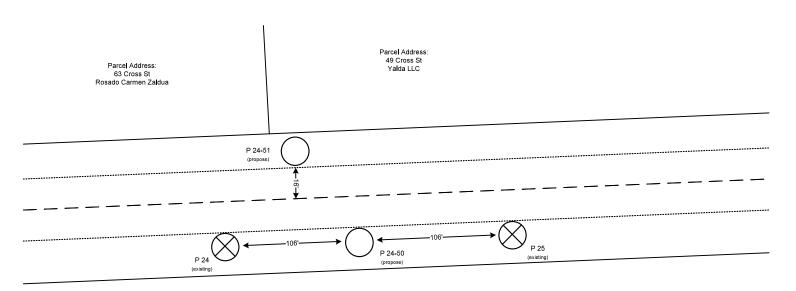
Drawn By: RMP Sketch # 1 of 2

DATE 9/24/2018 PETITION SKETCH TOWN OF GARDNER WORCESTER COUNTY



Legend





Parcel Address: 160 Elm St City of Gardner

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

ControlPoint

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

national**grid**

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

Not To Scale Distances are Approximate

Drawn By: RMP Sketch # 2 of 2

DATE 9/24/2018



10907; 10908; 10909

ENGINEERING DEPARTMENTCITY OF GARDNER

50 Manca Drive, Gardner MA 01440

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

PROJECT REVIEW MEMORANDUM

To: Public Service Committee

Cc: Dane Arnold, DPW Director

Christine Harty, DPW Administrative Asst.

Titi Siriphan, City Clerk

From: Robert Oliva – City Engineer

Date: February 28, 2023

Project: National Grid City Council Pole Petitions

National Grid has submitted three petitions for new poles or underground conduit at multiple locations. I have inspected the proposed locations, reviewed the petition applications, and offer the following comments below in italics. At the time of inspection, the proposed pole locations were not marked by a stake.

10907	Comment To install 2-3" conduits from existing pole #6 on Edgell Street to a new handhole located on private property at #69 Edgell Street. <i>No comment</i>
10908 10909	To relocate existing pole #8 on Edgell Street, 45' east of its current location. <i>No comment</i>
	To install 4 new poles on Cross Street. As shown on the included sketches, new poles 24-51, 28-1, and 28-2 will likely include installation of new overhead wires from existing poles. The petition does not include any description of the locations of new overhead wires. All proposed overhead wire locations should be shown for approval.



CITY OF GARDNER MASSACHUSETTS 01440-2630

OFFICE OF THE CITY CLERK

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

NOTICE TO ABUTTERS

February 23, 2023

TO ABUTTERS AND OTHER INTERESTED PARTIES:

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

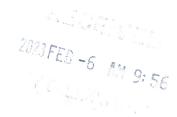
CROSS STREET – A Petition by National Grid and Verizon New England, Inc. – to install 4 jointly owned poles on Cross Street beginning at a point approximately 15 feet north of the centerline of the intersection of Lawrence Street and Cross Street and continuing approximately 800 feet in a west direction.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

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

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN City Clerk

Titi Siriphum



Questions contact - Rob Proude 781-423-3082

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

North Andover, Massachusetts

To the City Council
Of Gardner, Massachusetts

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

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

Location approximately as shown on plan attached

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

No. 24639352 February 2, 2023

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

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

Massachusetts Electric Company d/b/a NATIONAL GRID Pat Shea
BY
Engineering Department
VERIZON NEW ENGLAND, INC. BY Albert . Bessette
Manager / Right of Way

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council - Gardner, Massachusetts

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

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

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

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

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

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

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

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

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

City/Town Clerk.

Massachusetts

20

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

Attest:

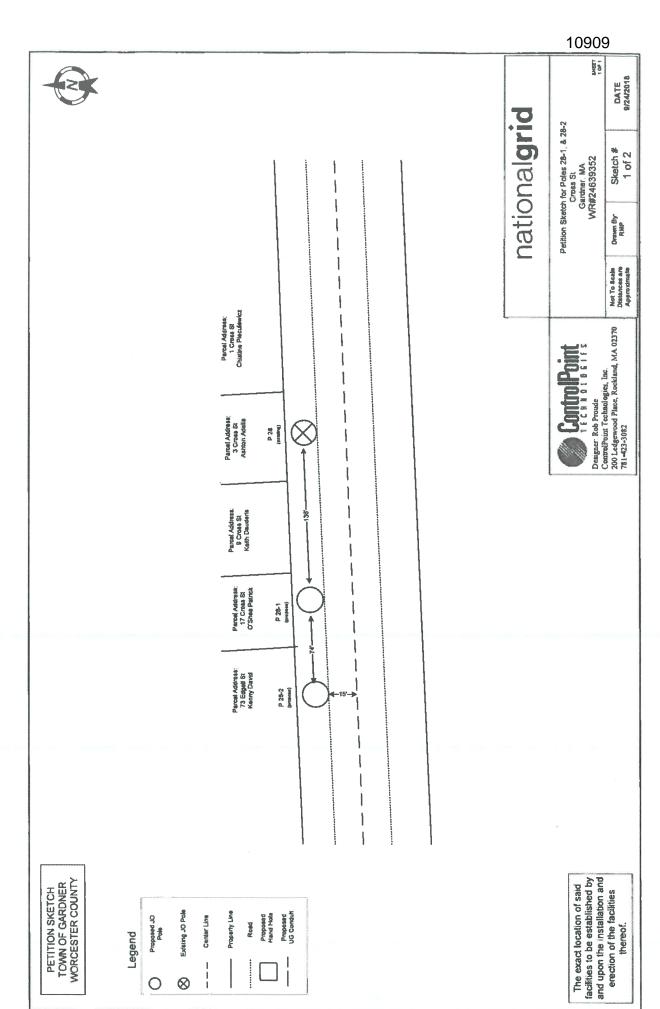
City/Town Clerk

I hereby certify that on		, at	o'clock, M	
at		-	s held on the petition of	
Massachusetts Electric Company d/b/a National Gri	id and VERI	ZON NE	W ENGLAND, INC.	
for permission to erect the poles, wires, and fixtures that we mailed at least seven days before said hearin hearing to each of the owners of real estate (as detertaxation) along the ways or parts of ways upon which poles, wires, and fixtures under said order. And that	ng a written r rmined by the ch the Compa	notice of e last pre any is pe	the time and place of said ceeding assessment for rmitted to erect	
			City/Town Clerk.	
			• • • • • • • • • • • • • • • • • • • •	
41	***********	• • • • • • • • • •		
Board or Council of Town or City, Massachusetts				
CERTIFI	CATE			
I hereby certify that the foregoing is a true c	opy of the lo	cation of	rder and certificate of	
hearing with notice adopted by the	of th	ne City o	f	
Massachusetts, on the day of		20	, and recorded with the	
records of location orders of the said City, Book	, Pa	ge	. This certified copy	
is made under the provisions of Chapter 166 of Gen	ieral Laws ar	nd any ac	lditions thereto or	

amendments thereof.

Attest:

City/Town Clerk



		10000	
	D	51 arest 1061	DATE 9/24/2018
	national grid	Petition Skatch for Poles 24-50, 24-51 Cross St Gardner, MA VR#24639352	Sketch # 2 of 2
	natic	Petition Sketch	Drawn By: RMP
			Not To Scale Distances are Approximate
\$5 d (method)		ControlPoint 1 6 6 8 8 1 6 8 1 8 8 8 8 8 8 8 8 8 8 8	200 Ledgewood Place, Rockland, MA 02370 781-423-3082
Percel Address 46 Cross ST 46 Cross ST 46 Cross ST 7645 LLC 7645 LLC 7645 LLC 7645 LLC 7645 LLC 7645 LLC 765 L	,		
Fess. 55 67 67 67 67 67 67 67 67 67 67 67 67 67			
Percel Address. 63 Cross ST Resado Cerman Zeldus			
Legend Description SKETCH TOWN OF GARDNER WORCESTER COUNTY Property Line Property Line Road Propesed Hand Hose Propesed Hand Hose Propesed UG Contact Line Propesed Propesed Propesed		The exact location of said facilities to be established by and upon the installation and	erection of the facilities thereof.



City of Gardner - Executive Department

Mayor Michael J. Nicholson

April 14, 2023

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

RE: Dedication Vote for the Uptown Rotary Reconstruction Project

Dear Madam President and Councilors,

As you are well aware, the Commonwealth is set to begin construction of on the Uptown Rotary at the intersection of Green Street, Elm Street, Pearl Street, Central Street, and Woodland Avenue this summer.

As part of this process, the City Council is required to adopt the attached dedication vote in order for the Commonwealth to begin construction. This document confirms all easements that are only temporary, and approves the new street layouts that are associated with this construction.

Respectfully Submitted,

Michael J. Nicholson

Mayor, City of Gardner

CC:

Finance Committee
Public Safety Committee
Public Service Committee

GARDNER CITY COUNCIL CERTIFICATE OF VOTE

I, Titi Siriphan, certify that I am the City Cle meeting of the City Council of the City of Gardner, 2023, at which a quorum was preser was passed by majority vote of the City Council and effect on the date of this Certificate without alteration	duly called and held at City Hall on at and voting throughout, the following vote I that said vote remains in full force and
WHEREAS, the City of Gardner, a city orga Massachusetts, with a usual place of business locate City Council is authorized to approve the layout of r	d at 95 Pleasant Street, Gardner, MA, by its
WHEREAS, the City of Gardner is improvin at the Uptown Rotary intersecting Elm Street, Pearl Central Street.	•
VOTED: That the City Council of the City of City of Gardner of the following easements to the pu	
E-1 - 10,153 sf Green E-6 - 4,307 sf Central TE-08 - 2,152 sf Centra E-10 - 3,684 sf Centra	Street ral Street
VOTED: That the City Council of the City of alteration as shown on the attached plans in conjunct temporary/permanent easements.	
VOTED: That the Mayor be and is authorize instruments required to give effect to this vote.	ed to sign any plans or other recordable
In City Council	, 2023
Ordered and adopted by a yea and nay vote of	_ yeas and nays.
	Titi Siriphan, City Clerk City of Gardner