



**City of Gardner, Massachusetts
Office of the City Council**

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**CALENDAR FOR THE MEETING  
of  
TUESDAY, SEPTEMBER 5, 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)**
  - August 7, 2023, Informal Meeting Minutes

**VII. PUBLIC HEARINGS**

**VIII. COMMUNICATIONS FROM THE MAYOR**

**ORDERS**

**11050** – An Order Authorizing \$4,420.57 Payment of Prior Year Expenditure for Building, Golf, and Veteran's Department Salary. (*Finance Committee*)

**APPOINTMENTS**

**11051** – A Measure Confirming the Mayor's Appointment of Elijah Williams to the Position of Police Officer, Permanent. (*Appointments Committee*)

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

- 11052** – A Petition by National Grid, Park Street – to install 1 Single Owned Pole and Relocate 1 Single Owned Pole on Park Street beginning at a point approximately 100' feet west of the centerline of the intersection of Park Street and Vernon Street and continuing approximately 150 feet in a west direction. Install 1 Single Owned Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City's Park Street Project. *(Public Service Committee; Public Hearing Required)*
- 11053** – A Petition by National Grid and Verizon New England, Inc., Park Street - to relocate 5 Jointly Owned Poles on Park Street beginning at a point approximately 150 feet west of the centerline of the intersection of Park Street and Lake Street and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5' for City's Park Street Project. *(Public Service Committee; Public Hearing Required)*
- 11054** – A Measure Confirming the Fire Chief's Appointment of Justin Calderon to the Position Firefighter of the Gardner Fire Department. *(Confirmation not Required)*
- 11055** – A Measure Confirming the Fire Chief's Appointment of Matias Pietropinto to the Position Firefighter of the Gardner Fire Department. *(Confirmation not Required)*
- 11056** – A Measure Confirming the Fire Chief's Appointment of Jonathan Rodriguez to the Position Firefighter of the Gardner Fire Department. *(Confirmation not Required)*
- 11057** – A Measure Confirming the Fire Chief's Appointment of Cole Reilly to the Position Firefighter of the Gardner Fire Department. *(Confirmation not Required)*

## **X. REPORTS OF STANDING COMMITTEES**

### **FINANCE COMMITTEE**

- 11039** – An Order Authorizing the City to Borrow \$550,000.00 for Waterford Street School Renovations. *(In the City Council and Tabled 8/7/2023)*

## **APPOINTMENTS COMMITTEE**

- 11029** – A Measure Confirming the Mayor’s Appointment of Jane Clabaugh to the Position of Disability Commission Member, for term expiring July 6, 2026. *(In the City Council and Referred to Appointments Committee 8/7/2023)*
- 11030** – A Measure Confirming the Mayor’s Appointment of Francine Pera to the Position of Disability Commission Member, for term expiring July 6, 2026. *(In the City Council and Referred to Appointments Committee 8/7/2023)*
- 11031** – A Measure Confirming the Mayor’s Appointment of Stephen Hiron to the Position of Sealer of Weights and Measures, for term expiring July 11, 2024. *(In the City Council and Referred to Appointments Committee 8/7/2023)*
- 11032** – A Measure Confirming the Mayor’s Appointment of Robert O’Keefe to the Position of Information Technology Director, for term expiring July 11, 2026. *(In the City Council and Referred to Appointments Committee 8/7/2023)*
- 11047** – A Measure Confirming the Mayor’s Appointment of Darrell Sweeney to the Position of Electrical Inspector, for term expiring August 6, 2026. *(In the City Council and Referred to Appointments Committee 8/7/2023)*
- 11041** – A Measure Confirming the City Clerk’s Appointment of Elizabeth Doiron to the Position of Assistant City Clerk, for term expiring July 25, 2026. *(In the City Council and Referred to Appointments Committee 8/7/2023)*

## **SERVICE COMMITTEE**

- 10993** – A Petition by National Grid and Verizon New England Inc., Elm Street – to install 1, Remove 1 and Relocate 1 Jointly Owned Pole on Elm Street beginning at a point approximately 360 feet southeast of the centerline of the intersection of Elm Street and Cross Street and continuing approximately 500 feet in a south direction. P6-80 Replace and Relocate +/- 30’ West. Install anchor guy on West of Pole. P7-99 is being removed. P10-99 is installing Push Brace on West side of P10. *(In the City Council and Referred to Public Service Committee 5/15/2023; Public Hearing 6/20/2023; More Time 6/5/2023, 6/20/2023; 7/3/2023, 8/7/2023)*

## **SAFETY COMMITTEE**

- 11044** – 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. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Public Safety Committee 8/7/2023)*

## **COMMITTEE OF THE WHOLE**

- 11024** – A Communication from the Community Development & Planning Director Relative to an Update to the Open Space and Recreation Plan. *(In the City Council and Referred to Committee of the Whole 6/20/2023; More Time 7/3/2023, 8/7/2023)*

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

- 11043** – 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. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Planning Board 8/7/2023)*
- 11045** – 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. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Planning Board 8/7/2023)*
- 11046** – 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. *(Submitted by Councillor Dana Heath; In the City Council and Referred to Planning Board 8/7/2023)*

## **XII. NEW BUSINESS**

## **XIII. COUNCIL COMMENTS AND REMARKS**

## **XIV. CLOSING PRAYER**

## **XV. ADJOURNMENT**

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



**INFORMAL MEETING OF AUGUST 7, 2023**

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Informal Meeting of the City Council was held in the City Council Chamber, Room 219, City Hall, on Monday evening, August 7, 2023.

**CALL TO ORDER**

Council President Elizabeth Kazinskas called the meeting to order at 6:30 o'clock p.m.

**ATTENDANCE**

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

President Kazinskas announced that the Informal session was called for agenda item number 11023, the Charter Review Committee Final Review recommendations. This has been in the City Council; it has gone before the Charter Review Committee and several of their meetings. It was referred by the City Council to the Committee of the Whole and the Law Department on June 20<sup>th</sup>. There is an informal meeting this evening followed by City Council Regular Meeting at 7:30 PM, which will give the council the opportunity to vote on the item. The informal meeting is to discuss the items in an informal setting, and we will begin with any Councillors who would like to begin on any items regarding the charter review committee's recommendations.

Councillor James Boone stated that Section 6, the City Council should be allowed to vote and approve the appointments for City Solicitor and Assistant City Solicitor. In Section 32, he agrees with the seventy five percent (75%) salary but questioned if that includes the current salary on top of that. He also stated that he has not received a response from the Committee as to why certain sections were deleted.

Councillor James Walsh had a comment regarding Section 6. The current Charter reads "All heads of departments and members of municipal boards, except the school committee, the city clerk, city treasurer, city auditor and city collector of taxes, officers whose election is provided for by this act and officials appointed by the governor, shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed by the mayor, without confirmation by the city council." The Charter Review Committee recommends that the Assistant Solicitor does not need City Council confirmation and Councillor Walsh disagrees. The charter does not to be changed for that position. It is a creation by city ordinance. He thinks that the City Council should have some input into the Law Department

INFORMAL MEETING OF AUGUST 7, 2023

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positions. He agrees that the City Solicitor being appointed by the Mayor, not subject to City Council approval, he does not agree with the Assistant Solicitor's position. Councillor Walsh's recommendation is to remove Section 6 of the committee's recommendation.

Councillor Ronald Cormier mentioned that he and Councillor James Walsh were around during the time the Assistant Solicitor position was created. The position was created with the intent of having Council confirmation. The position was created when they could not contact the City Solicitor. The assistant position was created when the Solicitor was not available for legal assistance. He does not see the need for removing confirmation for the Assistant Solicitor's appointment.

Councillor Georg Tyros agrees with the comments of Section 6. He wanted to clarify the earlier question about Section 32, "the acting says the acting mayor shall be entitled to the compensation as city council president in addition to 75% of the current rate of the compensation of the mayor," which he personally is in favor of because they are navigating both jobs at the same time.

Councillor Karen Hardern agrees with the comments of Section 6. She mentioned that it is important for the Council to have a voice involved with the appointment.

Councillor Judy Mack mentioned that during the Charter Review Committee meetings, Sections 34 & 35 were being removed in regard to the Massachusetts General Law stipulations.

Councillor George Tyros mentioned an additional item that was in the City Solicitors last statement and his correspondence about replacing any gender specific language to gender neutral language. It is important to change this into the 21<sup>st</sup> century.

President Elizabeth Kazinskas did speak with the City Solicitor about gender neutral language, and he did suggest changing it to gender neutral language because other communities had their charters sent back to include that language.

The Council had a straw vote to have the recommendations referred back to the Law Department to remove changes Section 6 and review, line by line, and change the language to gender neutral pronouns. All Councillors voted "yea" to the referral.

The Informal Meeting concluded at 6:49 p.m.

**Accepted by the City Council:**

**From:** [John Richard](#)  
**To:** [Mayor](#); [Titi Siriphan](#)  
**Cc:** [Debra Pond](#)  
**Subject:** RE: Authorization Payt for Prior Year Sal Order-Building & Golf  
**Date:** Thursday, August 24, 2023 2:29:21 PM  
**Attachments:** [AUTHORIZING PAYMT PRIOR YEAR SAL-BUILDING & GOLF.doc](#)

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Hi Mike and Ti

Please use this revised order for the paymt of prior year salary request. There is one more employee that is due FY23 retro pay. This was due to a step increase.

John Richard  
City Auditor



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

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**From:** John Richard  
**Sent:** Thursday, August 17, 2023 10:18 AM  
**To:** Mayor <Mayor@gardner-ma.gov>; Titi Siriphan <tsiriphan@gardner-ma.gov>  
**Cc:** Debra Pond <dpond@gardner-ma.gov>  
**Subject:** Authorization Payt for Prior Year Sal Order-Building & Golf

Hi Mike and Ti

Please add this authorization to the next FinCom and CC meeting agenda. There were three employees that are due FY23 retro pay. They were due step increases.

Thank you.

John Richard  
City Auditor



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

## AUTHORIZING PAYMENT OF PRIOR YEAR SALARY EXPENDITURE

*ORDERED:* To authorize payment of prior year BUILDING, GOLF AND VETERANS

DEPT salary expenditure account for prior year, as follows:

|        |                      |          |
|--------|----------------------|----------|
| FY2023 | BUILDING DEPT SALARY | \$ 96.57 |
| FY2023 | GOLF DEPT SALARY     | 3,783.73 |
| FY2023 | VETERANS DEPT SALARY | 540.27   |

RECEIVED

August 29, 2023

2023 AUG 29 PM 2:28

Commonwealth of Massachusetts

CITY CLERK'S OFFICE

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

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



Mayor

Michael J. Nicholson

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

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

Titi Siriphan

Expires: Permanent

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

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

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

Questions contact – Will Fontaine 508-414-7308

**PETITION FOR POLE AND WIRE LOCATIONS**

North Andover, Massachusetts

To the City Council  
Of Gardner, Massachusetts

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

Park St - National Grid to install 1 SO Pole and Relocate 1 SO Pole on Park St beginning at a point approximately 100' feet west of the centerline of the intersection of Park St and Vernon St and continuing approximately 150 feet in a west direction. Install 1 SO Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City's Park St Project.

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 – Park St - Gardner – Massachusetts.

No.# 30791973 July 11, 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

## ORDER FOR POLE AND WIRE LOCATIONS

In the City of 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 be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 11th day of July, 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 – Park St - Gardner – Massachusetts.

No.# 30791973 Dated: July 11, 2023. Filed with this order

There may be attached to said poles 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:

Park St - National Grid to install 1 SO Pole and Relocate 1 SO Pole on Park St beginning at a point approximately 100' feet west of the centerline of the intersection of Park St and Vernon St and continuing approximately 150 feet in a west direction. Install 1 SO Stub Pole (12-84) to replace old stub pole in back yard of apartment (will remove old stub pole 12-84). Relocating P9 and associated guy wires back ~10 in accordance with the City's Park St Project.

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

Massachusetts

City/Town Clerk.  
20\_\_.

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

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_, at \_\_\_\_\_ o'clock, M

at a public hearing was held on the petition of  
Massachusetts Electric Company d/b/a National Grid

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

City/Town Clerk.

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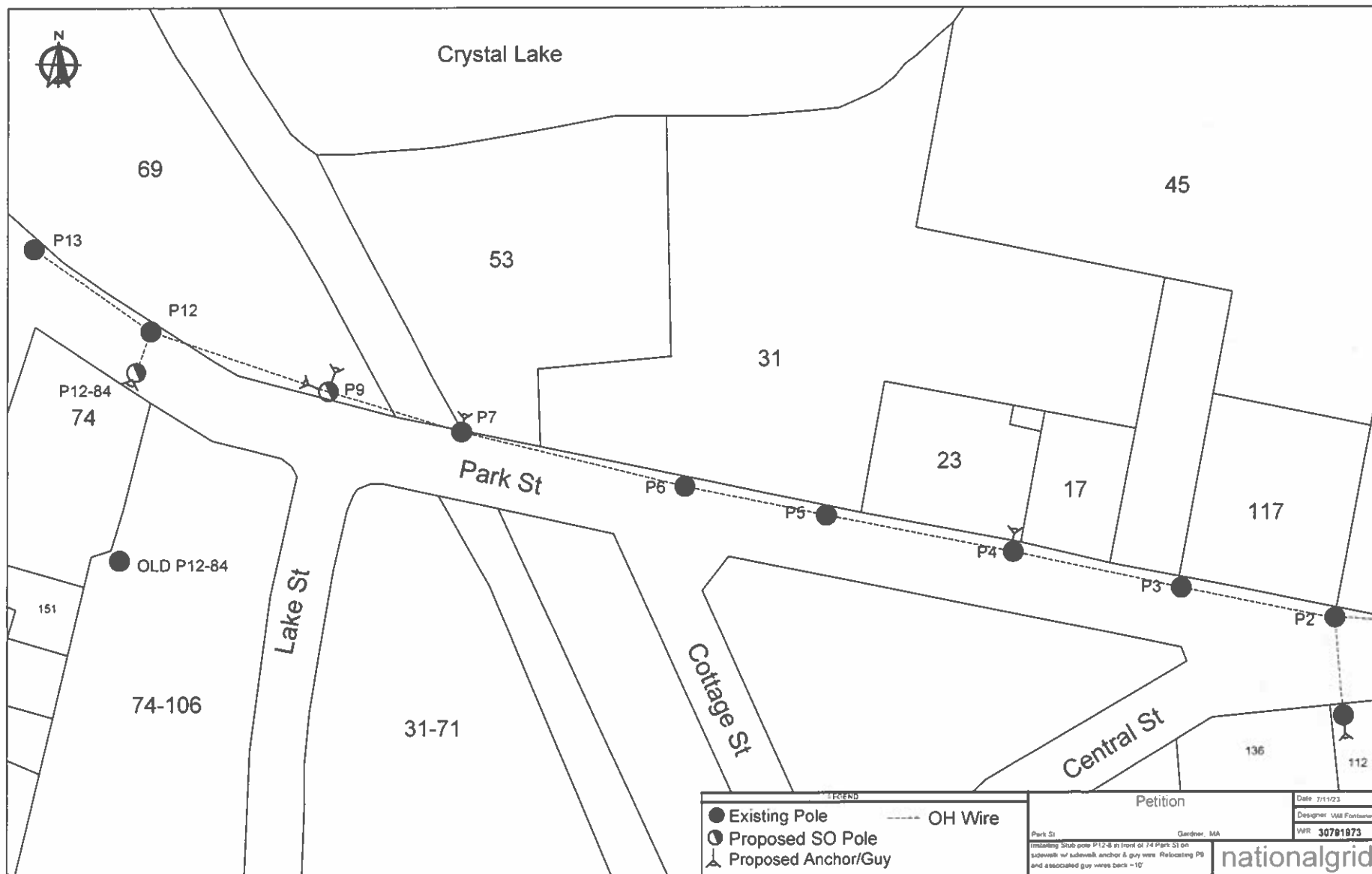
Board or Council of Town or City, Massachusetts

# CERTIFICATE

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

Attest:  
City/Town Clerk





Questions contact – Will Fontaine 508-414-7308

# **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:

Park St - National Grid to relocate 5 JO Poles on Park St beginning at a point approximately 150 feet west of the centerline of the intersection of Park St and Lake St and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5' for City's Park St Project.

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 – Park St - Gardner - Massachusetts.

**No. 30791973** July 11, 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 \_\_\_\_\_  
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 11th day of July, 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 – Park St - Gardner - Massachusetts..

No. 30791973 Dated July 11, 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:

Park St - National Grid to relocate 5 JO Poles on Park St beginning at a point approximately 150 feet west of the centerline of the intersection of Park St and Lake St and continuing approximately 720 feet in a west direction. Moving Poles 3, 4, 5, 6, 7 and associated Anchors back ~5' for City's Park St Project.

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

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

Massachusetts

City/Town Clerk.

20\_\_

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

Attest:

City/Town Clerk

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

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

City/Town Clerk.

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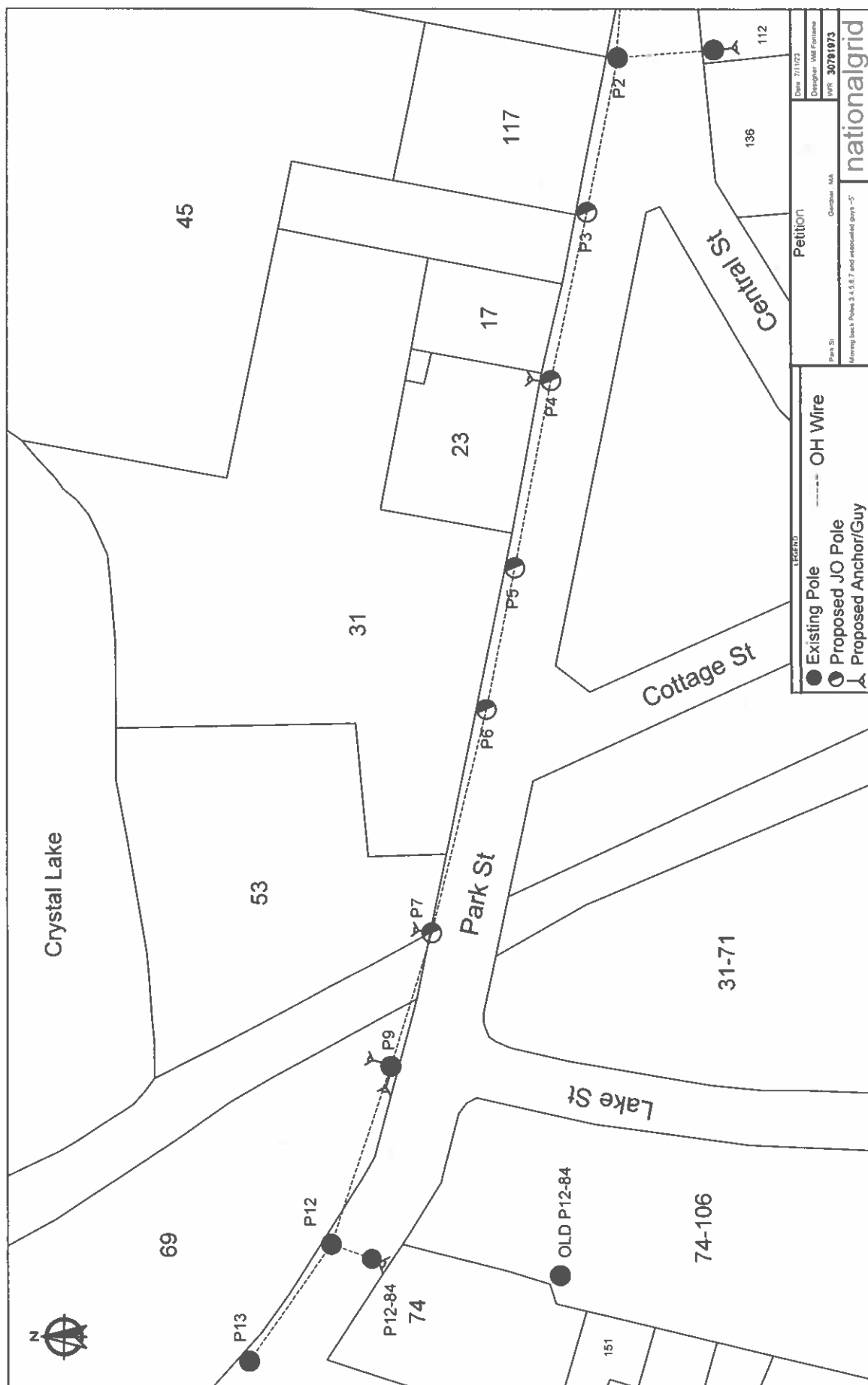
Board or Council of Town or City, Massachusetts

# CERTIFICATE

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

Attest:

City/Town Clerk





RECEIVED

2023 AUG 29 PM 2:38

CITY CLERK'S OFFICE  
GARDNER, MA

## CITY OF GARDNER

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

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

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

August 28, 2023

Mayor Michael Nicholson  
95 Pleasant Street  
Gardner, MA 01440

### **RE: Fire Department Appointments**

Dear Mayor Nicholson,

I am writing to update you on the recent appointments of new Firefighters to the Gardner Fire Department. They are Firefighters Justin Calderon, Jonathan Rodriguez, Matias Pietropinto, and Cole Reilly. All have recently graduated from the 10-week Recruit Training Program at the Massachusetts Firefighting Academy. They have also completed in-house training and are now assigned to Groups as part of the Firefighting Force.

Respectfully,

Gregory F. Lagoy  
Fire Chief

RECEIVED

Effective September 5, 2023

2023 09 29 PM 2:00


Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

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

 Fire Chief  
Gregory F. Lagoy

Confirmed by City Council: Not Required

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

Expires: Permanent.

Worcester, ss., September 5, 2023

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

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

RECEIVED

Effective September 5, 2023

2023 SEP 29 PM 2:38


## Commonwealth of Massachusetts

CITY CLERK'S OFFICE  
WORCESTER COUNTY

City of Gardner

## CERTIFICATE OF APPOINTMENT

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

 Fire Chief  
Gregory F. Lagoy

Confirmed by City Council: Not Required

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

Expires: Permanent.Worcester, ss., September 5, 2023

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

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_





City of Gardner - *Executive Department*

Mayor Michael J. Nicholson

July 6, 2023

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

RE: Loan Order – Waterford Street School Renovations

Dear Madam President and Councilors,

Attached, please find a loan order associated with work to be done at the Waterford Street School facility, in order to convert the structure into a new community center.

The goal is to have this loan order paid off by the leases that will eventually be collected on the site by the participating organizations.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

IN CITY COUNCIL \_\_\_\_\_, 2023

A BOND ORDER TO PAY COSTS OF REMODELING AND EQUIPPING AN EXISTING CITY BUILDING FOR USE BY THE COUNCIL ON AGING AND VARIOUS OTHER COMMUNITY ORGANIZATIONS

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

That there be raised and appropriated the sum of Five Hundred Fifty Thousand Dollars (\$550,000) to pay costs of remodeling and equipping an existing City-owned building for use by the Council on Aging and various other community organizations, and for the payment of all other costs incidental and related thereto, and to meet this appropriation, the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to accept and expend any federal or state grants that may be available to the City on account of the projects described above. The amount authorized to be borrowed pursuant to this loan order shall be reduced to the extent of any federal or Commonwealth grants received by City on account of the project approved by this vote.

RECEIVED

Effective September 5, 2023

2023 SEP 29 PM 2:38

CITY CLERK'S OFFICE

Worcester County

## Commonwealth of Massachusetts

City of Gardner

## CERTIFICATE OF APPOINTMENT

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

 Fire Chief

Gregory F. Lagoy

Confirmed by City Council: Not Required
 City Clerk

Titi Siriphan

Expires: Permanent.Worcester, ss., September 5, 2023

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

Before me,

 City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

RECEIVED

Effective September 5, 2023

2023 SEP 29 PM 1:23


Commonwealth of Massachusetts

Worcester County

City of Gardner

## CERTIFICATE OF APPOINTMENT

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

 Fire Chief

Gregory F. Lagoy

Confirmed by City Council: Not Required
 City Clerk

Titi Siriphan

Expires: Permanent.Worcester, ss., September 5, 2023

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

Before me,

 City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



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

**Mayor Michael J. Nicholson**

---

July 6, 2023

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

RE: Loan Order – Waterford Street School Renovations

Dear Madam President and Councilors,

Attached, please find a loan order associated with work to be done at the Waterford Street School facility, in order to convert the structure into a new community center.

The goal is to have this loan order paid off by the leases that will eventually be collected on the site by the participating organizations.

Respectfully Submitted,

Michael J. Nicholson  
Mayor, City of Gardner

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

IN CITY COUNCIL \_\_\_\_\_, 2023

A BOND ORDER TO PAY COSTS OF REMODELING AND EQUIPPING AN EXISTING CITY BUILDING FOR USE BY THE COUNCIL ON AGING AND VARIOUS OTHER COMMUNITY ORGANIZATIONS

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

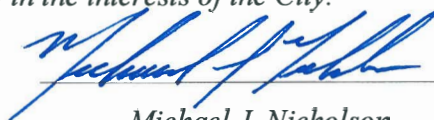
That there be raised and appropriated the sum of Five Hundred Fifty Thousand Dollars (\$550,000) to pay costs of remodeling and equipping an existing City-owned building for use by the Council on Aging and various other community organizations, and for the payment of all other costs incidental and related thereto, and to meet this appropriation, the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. The Mayor is authorized to accept and expend any federal or state grants that may be available to the City on account of the projects described above. The amount authorized to be borrowed pursuant to this loan order shall be reduced to the extent of any federal or Commonwealth grants received by City on account of the project approved by this vote.

July 6, 2023

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

I appoint **Jane Clabaugh** to the position of **Member, Disability Commission**, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

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

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

Expires: July 6, 2026

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

Then personally appeared the above named **Jane Clabaugh** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Disability Commission** according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_




July 6, 2023

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

I appoint **Francine Pera** to the position of **Member, Disability Commission**, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.



Mayor

Michael J. Nicholson

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

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

Titi Siriphan

Expires: July 6, 2026

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

Then personally appeared the above named **Francine Pera** and made oath that he/she would faithfully and impartially perform the duties of the office of **Member, Disability Commission** according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

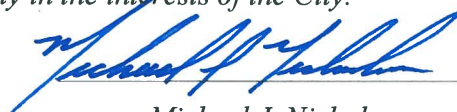


July 11, 2023

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

I appoint **Stephen Hiron** to the position of **Sealer of Weights and Measures** and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

 Mayor  
Michael J. Nicholson

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

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

Expires: July 11, 2024

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

Then personally appeared the above named **Stephen Hiron** and made oath that he/she would faithfully and impartially perform the duties of the office of **Sealer of Weights and Measures** according to law and the best of his/her abilities.

Before me,

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

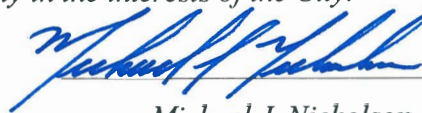
Received \_\_\_\_\_

July 11, 2023

**Commonwealth of Massachusetts****Worcester County****City of Gardner****CERTIFICATE OF APPOINTMENT**

I appoint **Robert O'Keefe** to the position of **Information Technology Director**, and I certify

that in my opinion he/she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.



Mayor

Michael J. Nicholson

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

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

Titi Siriphan

Expires: July 11, 2026

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

Then personally appeared the above named **Robert O'Keefe** and made oath that he/she would faithfully and impartially perform the duties of the office of **Information Technology Director** according to law and the best of his/her abilities.

Before me,

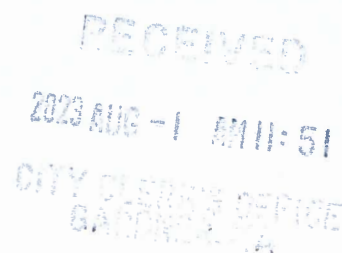
\_\_\_\_\_  
City Clerk

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



AUGUST 1, 2023



# Commonwealth of Massachusetts

*Worcester County*

*City of Gardner*

## CERTIFICATE OF APPOINTMENT

I appoint **DARRELL SWEENEY** to the position of **ELECTRICAL INSPECTOR** and certify that in my opinion he is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

Michael J. Nicholson, Mayor

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

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

Expires: August 6, 2026

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

*Then personally appeared the above named **Darrell Sweeney** and swore the oath that he would faithfully and impartially perform the duties of the office of **Electrical Inspector** according to law and the best of his abilities.*

*Before me,*

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_



JULY 25, 2023

RECEIVED  
2023 JUL 25 PM 1:20  
CITY CLERK'S OFFICE  
GARDNER, MA

# Commonwealth of Massachusetts

*Worcester County*

*City of Gardner*

## CERTIFICATE OF APPOINTMENT

I appoint **ELIZABETH DOIRON** to the position of **ASSISTANT CITY CLERK** and certify that in my opinion she is a person specially fitted by education, training, or experience to perform the duties of said office, and that I make the appointment solely in the interests of the City.

*Titi Siriphan*

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

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

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

Expires: July 25, 2026

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

*Then personally appeared the above named **Elizabeth Doiron** and made oath that she would faithfully and impartially perform the duties of the office of **Assistant City Clerk** according to law and the best of his abilities.*

*Before me,*

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

Chapter 303 Acts of 1975  
and  
Chapter 409 Acts of 1983

Received \_\_\_\_\_

**From:** [James M. Walsh](#)  
**To:** [Titi Siriphan](#); [Elizabeth Kazinskas](#)  
**Cc:** [Alek Dernalowicz](#); [George Tyros](#); [Rob Oliva](#)  
**Subject:** Fwd: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)  
**Date:** Thursday, August 31, 2023 12:48:01 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

---

Ti,

Please include the most recent email from Mr Loguidice with the Elm St Pole Petition item.  
 Thanks

Jim Walsh

Begin forwarded message:

**From:** Vincent Loguidice <Vincent.Loguidice@nationalgrid.com>  
**Date:** August 31, 2023 at 11:40:13 AM EDT  
**To:** Sandra Annis <Sandra.Annis@nationalgrid.com>, Rob Oliva  
 <roliva@gardner-ma.gov>, "Goodale, Ross A. (DOT)"  
 <ross.a.goodale@state.ma.us>, Greg Lucas <GLucas@tighebond.com>,  
 "Handfield, Richard (DOT)" <richard.handfield@state.ma.us>, "James M.  
 Walsh" <jwalsh@gardner-ma.gov>, Alek Dernalowicz <adernalowicz@gardner-  
 ma.gov>, George Tyros <gtyros@gardner-ma.gov>  
**Cc:** Tzy Hsu <Tzy.Hsu@nationalgrid.com>, Jarad Aker  
 <Jarad.Aker@nationalgrid.com>, Kristopher Surette <ksurette@tighebond.com>,  
 "Shedd, David G. (DOT)" <david.shedd@state.ma.us>  
**Subject:** [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] RE:  
 MassDOT 610672 Gardner, Elm St (SRTS)

**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.

Hello

National Grid is withdrawing Elm St Petition WR # 30394729.

Thank you.

Vinny LoGuidice  
 Work Support NE North  
 North Andover  
[Vincent.LoGuidice@Nationalgrid.com](mailto:Vincent.LoGuidice@Nationalgrid.com)

978-725-1392

---

**From:** Sandra Annis <Sandra.Annis@nationalgrid.com>  
**Sent:** Thursday, August 31, 2023 11:32 AM  
**To:** Rob Oliva <roliva@gardner-ma.gov>; Goodale, Ross A. (DOT) <ross.a.goodale@state.ma.us>; Greg Lucas <GLucas@TigheBond.com>; Handfield, Richard (DOT) <richard.handfield@state.ma.us>; James M. Walsh <jwalsh@gardner-ma.gov>; Alek Dernalowicz <adernalowicz@gardner-ma.gov>; George Tyros <gtyros@gardner-ma.gov>; Vincent Loguidice <Vincent.Loguidice@nationalgrid.com>  
**Cc:** Tzy Hsu <Tzy.Hsu@nationalgrid.com>; Jarad Aker <Jarad.Aker@nationalgrid.com>; Kristopher Surette <ksurette@tighebond.com>; Shedd, David G. (DOT) <david.shedd@state.ma.us>  
**Subject:** RE: [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

[@Vincent Loguidice](#), is the formal withdraw request something you can take care of for this petition?

Sandi

Cell: (413) 531-8982

Please consider the environment before printing this email

**Advanced Notice of Vacation: TBD**

---

**From:** Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>  
**Sent:** Thursday, August 31, 2023 11:25 AM  
**To:** Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>  
**Subject:** RE: [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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Good Morning Sandra,

The Public Service Committee met this morning and would like to request that the

current pole petition for Elm Street be withdrawn by National Grid, with a new petition to be submitted once the proposed changes are finalized. A formal request to withdraw would need to be made to the City Council via the City Clerk. Please let me know if you have any questions.

Regards,

Rob Oliva  
City Engineer | City of Gardner

---

**From:** Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>  
**Sent:** Monday, August 28, 2023 10:21 AM  
**To:** Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>; Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>  
**Subject:** [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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National Grid has put our pole petition on hold until we receive word from MassDOT that this project is moving forward. We will likely need to have another utility meeting to discuss the proposed changes, before we finalize and revise the design and our petition.

Sandi

### Sandra Annis

Pronouns: She/Her/Hers

[Pronouns in the Workplace](#)

Lead Project Manager, MassDOT

Program Management

Cell: (413) 531-8982



[sandra.annis@nationalgrid.com](mailto:sandra.annis@nationalgrid.com)

Please consider the environment before printing this email



*Advanced Notice of Vacation: TBD*


---

**From:** Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>  
**Sent:** Thursday, August 24, 2023 7:51 AM  
**To:** Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>  
**Subject:** RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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Good Morning,

The Public Service Committee will meet again Thursday August 31. Prior to that meeting could the proponent please provide an update on the status of the pole petition. Thank you.

Regards,

Rob Oliva  
 City Engineer | City of Gardner

---

**From:** Rob Oliva  
**Sent:** Friday, August 4, 2023 8:11 AM  
**To:** Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>  
**Subject:** RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

Good Morning,



At their August 3, 2023 public meeting, the Public Service Committee (a subcommittee of the Gardner City Council), voted unanimously to endorse the alternative layout for overhead wire and pole locations that was prepared by Tighe & Bond (plans attached) for the Gardner - Elm Street Safe Routes to School (SRTS) Project. The layout is an alternative to the design reflected in the current National Grid pole petition in front of the City Council, which is based on the 100% PS&E plans for the SRTS project.

The Committee and Council now await National Grid's and DOT's decision on amending the Pole Petition to include the alternate plan. Please advise.

Regards,

Rob



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

---

**From:** Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>  
**Sent:** Friday, July 14, 2023 7:43 AM  
**To:** Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>  
**Subject:** [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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Thanks, Greg, for putting this together.

I want to point out that while the poles were moved from the properties in question this new design still needs to be reviewed and approved by National Grid (and other utilities). Impacts to the alternative design can be fully detailed after that.

Ross

---

**From:** Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>  
**Sent:** Thursday, July 13, 2023 7:56 PM

**To:** Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Goodale, Ross A. (DOT) <[Ross.A.Goodale@dot.state.ma.us](mailto:Ross.A.Goodale@dot.state.ma.us)>; Handfield, Richard (DOT) <[Richard.Handfield@dot.state.ma.us](mailto:Richard.Handfield@dot.state.ma.us)>; Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[David.Shedd@dot.state.ma.us](mailto:David.Shedd@dot.state.ma.us)>  
**Subject:** RE: MassDOT 610672 Gardner, Elm St (SRTS)

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All-

Following our meeting, Tighe & Bond and Ross Goodale from MassDOT collaborated on an alternate design for utility poles and overhead wire layout based on abutter concerns which were brought to the City Council through its Public Service Committee.

The alternate layout requires additional easements for pole layout, pole anchors, and aerial trespass, which are likely to delay the current project schedule.

The attached documents outline the design that was included in the May 9<sup>th</sup> PS&E design submitted to MassDOT, the alternate design, and provide comparison of layout and impacts between the two plans.

Please let us know if you have any questions.

Thanks,  
Greg

**Greg Lucas, PE, PTOE, RSP1**

Senior Project Manager

**Tighe&Bond**

o. 781.375.2554 | m. 617.894.0579

---

One University Avenue, Suite #100, Westwood, MA 02090

w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)



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**Titi Siriphan**

---

**Subject:** FW: [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

**From:** Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>

**Sent:** Friday, August 25, 2023 8:09:56 AM

**To:** James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>

**Cc:** Chris Harty <[charty@gardner-ma.gov](mailto:charty@gardner-ma.gov)>

**Subject:** FW: [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

Good Morning All,

Please see the response from MassDOT below regarding the current status of the Elm Street Safe Routes to School project.

Regards,

Rob Oliva

City Engineer | City of Gardner

**From:** Shedd, David G. (DOT) <[David.Shedd@dot.state.ma.us](mailto:David.Shedd@dot.state.ma.us)>

**Sent:** Thursday, August 24, 2023 9:42 AM

**To:** Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>

**Cc:** Goodale, Ross A. (DOT) <[Ross.A.Goodale@dot.state.ma.us](mailto:Ross.A.Goodale@dot.state.ma.us)>; Dane Arnold <[darnold@gardner-ma.gov](mailto:darnold@gardner-ma.gov)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Kris Surette <[KSurette@worldtecheng.com](mailto:KSurette@worldtecheng.com)>

**Subject:** [EXTERNAL] RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

**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.

Hi Rob, This project is currently dormant pending the receipt of an executed Memorandum of Understanding that was sent to the Mayor via email on 7/18/23. We are looking for a commitment confirmation from Gardner that all expenses incurred for right of way will be paid by the City before advancing the project any further. Please call or email with questions.

-Thanks

**David Shedd, P.E. | Supervising Project Manager | Massachusetts Department of Transportation, Highway Division**  
10 Park Plaza, Boston, MA 02116 | direct line: 617-645-5798 | email: [david.shedd@dot.state.ma.us](mailto:david.shedd@dot.state.ma.us)

**From:** Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>

**Sent:** Thursday, August 24, 2023 7:51 AM

**To:** Goodale, Ross A. (DOT) <[Ross.A.Goodale@dot.state.ma.us](mailto:Ross.A.Goodale@dot.state.ma.us)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Handfield, Richard (DOT) <[Richard.Handfield@dot.state.ma.us](mailto:Richard.Handfield@dot.state.ma.us)>; James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>

**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[David.Shedd@dot.state.ma.us](mailto:David.Shedd@dot.state.ma.us)>

**Subject:** RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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Good Morning,

The Public Service Committee will meet again Thursday August 31. Prior to that meeting could the proponent please provide an update on the status of the pole petition. Thank you.

Regards,

Rob Oliva  
City Engineer | City of Gardner

**From:** Rob Oliva

**Sent:** Friday, August 4, 2023 8:11 AM

**To:** Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>; Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; James M. Walsh <[jwalsh@gardner-ma.gov](mailto:jwalsh@gardner-ma.gov)>; Alek Dernalowicz <[adernalowicz@gardner-ma.gov](mailto:adernalowicz@gardner-ma.gov)>; George Tyros <[gtyros@gardner-ma.gov](mailto:gtyros@gardner-ma.gov)>

**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>

**Subject:** RE: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

Good Morning,

At their August 3, 2023 public meeting, the Public Service Committee (a subcommittee of the Gardner City Council), voted unanimously to endorse the alternative layout for overhead wire and pole locations that was prepared by Tighe & Bond (plans attached) for the Gardner - Elm Street Safe Routes to School (SRTS) Project. The layout is an alternative to the design reflected in the current National Grid pole petition in front of the City Council, which is based on the 100% PS&E plans for the SRTS project.

The Committee and Council now await National Grid's and DOT's decision on amending the Pole Petition to include the alternate plan. Please advise.

Regards,

Rob



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

**From:** Goodale, Ross A. (DOT) <[ross.a.goodale@state.ma.us](mailto:ross.a.goodale@state.ma.us)>

**Sent:** Friday, July 14, 2023 7:43 AM

**To:** Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>; Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Handfield, Richard (DOT) <[richard.handfield@state.ma.us](mailto:richard.handfield@state.ma.us)>; Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>

**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[david.shedd@state.ma.us](mailto:david.shedd@state.ma.us)>

**Subject:** [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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Thanks, Greg, for putting this together.

I want to point out that while the poles were moved from the properties in question this new design still needs to be reviewed and approved by National Grid (and other utilities). Impacts to the alternative design can be fully detailed after that.

Ross

**From:** Greg Lucas <[GLucas@TigheBond.com](mailto:GLucas@TigheBond.com)>

**Sent:** Thursday, July 13, 2023 7:56 PM

**To:** Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Goodale, Ross A. (DOT) <[Ross.A.Goodale@dot.state.ma.us](mailto:Ross.A.Goodale@dot.state.ma.us)>; Handfield, Richard (DOT) <[Richard.Handfield@dot.state.ma.us](mailto:Richard.Handfield@dot.state.ma.us)>; Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>

**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[David.Shedd@dot.state.ma.us](mailto:David.Shedd@dot.state.ma.us)>

**Subject:** RE: MassDOT 610672 Gardner, Elm St (SRTS)

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All-

Following our meeting, Tighe & Bond and Ross Goodale from MassDOT collaborated on an alternate design for utility poles and overhead wire layout based on abutter concerns which were brought to the City Council through its Public Service Committee.

The alternate layout requires additional easements for pole layout, pole anchors, and aerial trespass, which are likely to delay the current project schedule.

The attached documents outline the design that was included in the May 9<sup>th</sup> PS&E design submitted to MassDOT, the alternate design, and provide comparison of layout and impacts between the two plans.

Please let us know if you have any questions.

Thanks,  
Greg

**Greg Lucas, PE, PTOE, RSP1**

Senior Project Manager

**Tighe&Bond**

o. 781.375.2554 | m. 617.894.0579

One University Avenue, Suite #100, Westwood, MA 02090

w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)

**From:** [James M. Walsh](#)  
**To:** [Rob Oliva](#)  
**Cc:** [Alek Dernalowicz](#); [George Tyros](#); [Dane Arnold](#); [Sophie Dorow](#); [Chris Harty](#); [Titi Siriphan](#)  
**Subject:** Re: [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)  
**Date:** Friday, July 14, 2023 9:06:53 AM  
**Attachments:** [image001.png](#)  
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[image003.png](#)  
[image004.png](#)  
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[image005.png](#)  
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[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[Gardner Util Reloc Matrix.pdf](#)  
[002\\_610672\\_Drainage Utility Plans TB\\_Alt Design.pdf](#)  
[001\\_610672\\_PSE\\_Highway\\_Plans PSE Design.pdf](#)

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Thanks Rob. Hopefully we can make some progress.  
In the meantime, I invite a response to the availability of everyone for a PSC meeting on Thursday, 8/3/23 at 8:00am.  
Regards,

Jim Walsh

On Jul 14, 2023, at 8:06 AM, Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)> wrote:

Good Morning,

I received these emails last evening for the sketches requested for alternative placement of poles on Elm Street. These are a result of the meeting that Councilor Walsh and I had with National Grid, MassDOT, and Tighe & Bond regarding the National Grid pole petition on Elm Street.

I'll be reviewing these plans and will pass along any comments that I have.

Regards,

Rob

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



---

**From:** Goodale, Ross A. (DOT) <ross.a.goodale@state.ma.us>  
**Sent:** Friday, July 14, 2023 7:43 AM  
**To:** Greg Lucas <GLucas@TigheBond.com>; Sandra Annis <Sandra.Annis@nationalgrid.com>; Handfield, Richard (DOT) <richard.handfield@state.ma.us>; Rob Oliva <roliva@gardner-ma.gov>  
**Cc:** Vincent Loguidice <Vincent.Loguidice@nationalgrid.com>; Tzy Hsu <Tzy.Hsu@nationalgrid.com>; Jarad Aker <Jarad.Aker@nationalgrid.com>; Kristopher Surette <ksurette@tighebond.com>; Shedd, David G. (DOT) <david.shedd@state.ma.us>  
**Subject:** [EXTERNAL] RE: MassDOT 610672 Gardner, Elm St (SRTS)

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I want to point out that while the poles were moved from the properties in question this new design still needs to be reviewed and approved by National Grid (and other utilities). Impacts to the alternative design can be fully detailed after that.

Ross

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**Sent:** Thursday, July 13, 2023 7:56 PM  
**To:** Sandra Annis <[Sandra.Annis@nationalgrid.com](mailto:Sandra.Annis@nationalgrid.com)>; Goodale, Ross A. (DOT) <[Ross.A.Goodale@dot.state.ma.us](mailto:Ross.A.Goodale@dot.state.ma.us)>; Handfield, Richard (DOT) <[Richard.Handfield@dot.state.ma.us](mailto:Richard.Handfield@dot.state.ma.us)>; Rob Oliva <[roliva@gardner-ma.gov](mailto:roliva@gardner-ma.gov)>  
**Cc:** Vincent Loguidice <[Vincent.Loguidice@nationalgrid.com](mailto:Vincent.Loguidice@nationalgrid.com)>; Tzy Hsu <[Tzy.Hsu@nationalgrid.com](mailto:Tzy.Hsu@nationalgrid.com)>; Jarad Aker <[Jarad.Aker@nationalgrid.com](mailto:Jarad.Aker@nationalgrid.com)>; Kristopher Surette <[ksurette@tighebond.com](mailto:ksurette@tighebond.com)>; Shedd, David G. (DOT) <[David.Shedd@dot.state.ma.us](mailto:David.Shedd@dot.state.ma.us)>  
**Subject:** RE: MassDOT 610672 Gardner, Elm St (SRTS)

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All-

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The alternate layout requires additional easements for pole layout, pole anchors, and aerial trespass, which are likely to delay the current project schedule.

The attached documents outline the design that was included in the May 9<sup>th</sup> PS&E design submitted to MassDOT, the alternate design, and provide comparison of layout and impacts between the two plans.

Please let us know if you have any questions.

Thanks,  
Greg

**Greg Lucas, PE, PTOE, RSP1**

Senior Project Manager

o. 781.375.2554 | m. 617.894.0579

---

One University Avenue, Suite #100, Westwood, MA 02090  
w: [tighebond.com](http://tighebond.com) | [halvorsondesign.com](http://halvorsondesign.com)

Gardner – Elm Street (Safe Routes to School) – MassDOT Project No. 610672

### **Utility Pole Relocation Alternatives**

National Grid’s Pole Petition for the project was submitted to the Public Service Committee of the Gardner City Council. The Pole Petition is based on the design included in the PS&E submission to MassDOT on 5/9/2023. The pole layout included in the PS&E design was primarily based on the Utility Site Walk held on 12/2/21 which included Tighe & Bond (formerly WorldTech Engineering), MassDOT, National Grid, Verizon, Comcast, Crown Castle, and the City of Gardner.

The City received feedback on National Grid’s Pole Petition from property owners at 137 Elm Street and 147 Elm Street regarding impacts of the proposed design on their property. The City requested a meeting which was held virtually on 6/29/23 with National Grid, MassDOT and Tighe & Bond to discuss abutter concerns, including a request for an alternate design. Descriptions below compare the Alternate Design to the PS&E Design, with treatments and impacts summarized for comparison.

| <b>Item</b>                                                                                                             | <b>PS&amp;E Design</b>                                            | <b>Alternate Design</b>                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Utility Poles</b>                                                                                                    |                                                                   |                                                                                                                                                                   |
| #NG 6<br>(opposite 129 Elm Street)                                                                                      | Relocated slightly, stays on east side of Elm St, anchor required | Relocated slightly, stays on east side of Elm St, anchor not required                                                                                             |
| #6-80<br>(opposite 137 Elm Street)                                                                                      | Relocate from east side of Elm St to west side                    | Relocated slightly to the north and east, keep on east side of Elm St, requires anchor                                                                            |
| #MECO 7<br>(opposite 147 Elm Street)                                                                                    | Pole eliminated – street light relocated to #7-99                 | Pole relocated, requires anchor                                                                                                                                   |
| #7-99<br>(153 Elm Street)                                                                                               | Relocated slightly to prop. grass strip on west side of Elm St    | Eliminated                                                                                                                                                        |
| #8<br>(159 Elm Street)                                                                                                  | Relocated slightly to prop. grass strip on west side of Elm St    | Relocated slightly to prop. grass strip on west side of Elm St, requires anchor                                                                                   |
| <b>Overhead Lines</b>                                                                                                   |                                                                   |                                                                                                                                                                   |
| Primary overhead lines from the north are on the east (school) side of Elm Street, crossing between pole MECO 7 and #8. | Primary overhead lines cross from #NG 6 to relocated #6-80        | Primary overhead lines remain on east side and cross between relocated MECO 7 and #8. Aerial easement needed from school property.                                |
| <b>Property Impacts</b>                                                                                                 |                                                                   |                                                                                                                                                                   |
| City of Gardner School Department<br>160 Elm Street                                                                     | Permanent Utility Easement (PUE) needed for Pole #NG 6.           | PUE potentially eliminated for Pole #NG-6, new PUEs needed for #6-80 and #MECO 7. Aerial easement needed for overhead line. Tree trimming required for clearance. |
| 137 Elm Street                                                                                                          | PUE needed for relocated #6-80.                                   | Relocated pole and PUE eliminated.                                                                                                                                |
| 147 Elm Street                                                                                                          | No impacts. Tree trimming required in City layout.                | No impacts.                                                                                                                                                       |
| 153 Elm Street                                                                                                          | No impacts.                                                       | No impacts.                                                                                                                                                       |
| 159 Elm Street                                                                                                          | No impacts.                                                       | PUE required for anchor.                                                                                                                                          |



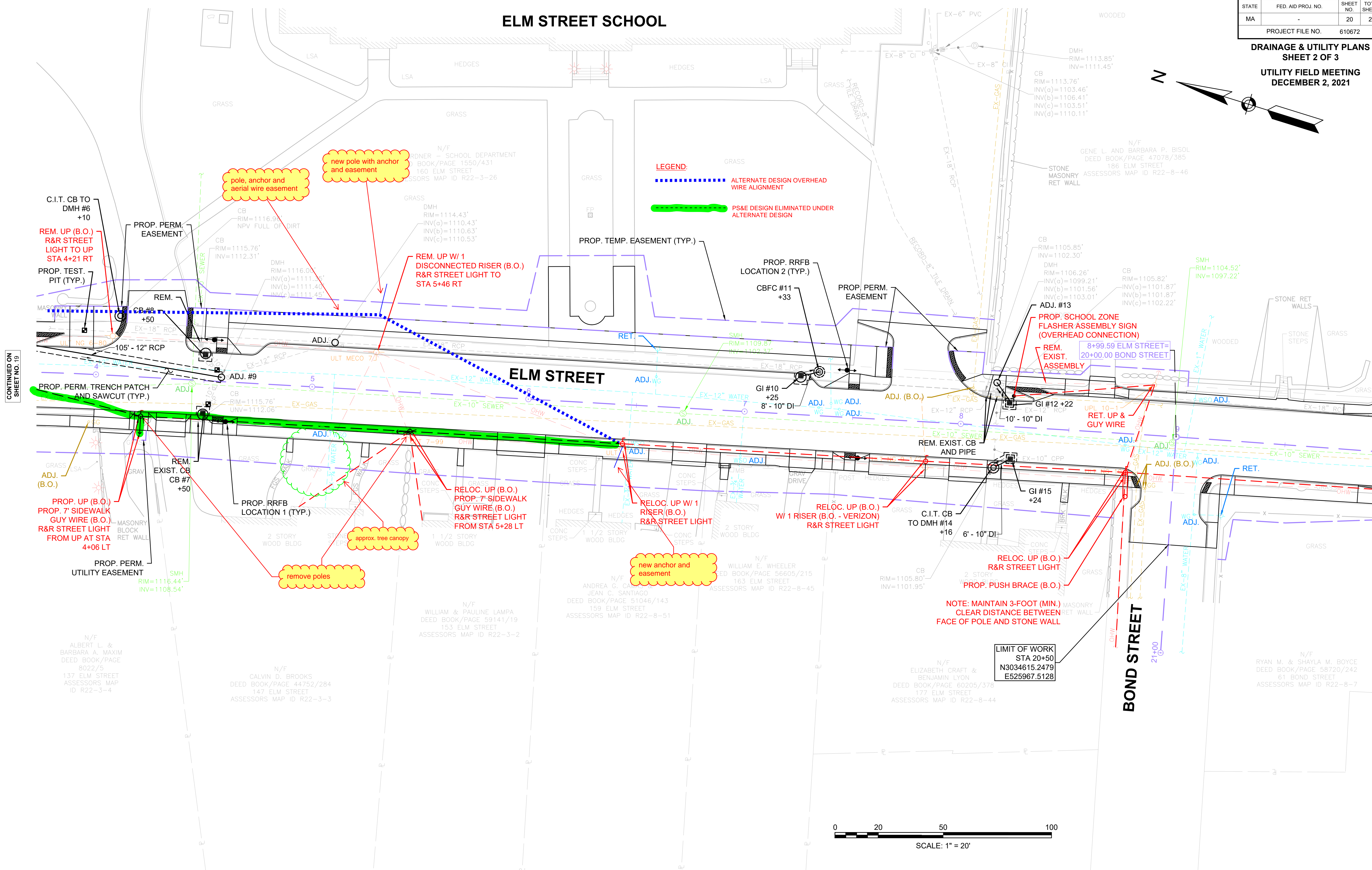
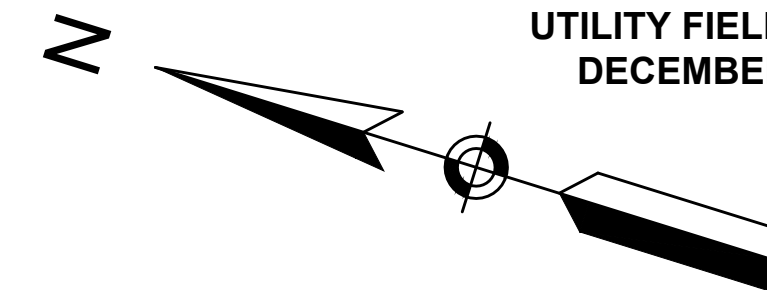


**GARDNER  
ELM STREET**

|                  |                    |           |              |
|------------------|--------------------|-----------|--------------|
| STATE            | FED. AID PROJ. NO. | SHEET NO. | TOTAL SHEETS |
| MA               | -                  | 20        | 20           |
| PROJECT FILE NO. |                    | 610672    |              |

**DRAINAGE & UTILITY PLANS**  
**SHEET 2 OF 3**

**UTILITY FIELD MEETING  
DECEMBER 2, 2021**



CONTINUED ON  
SHEET NO. 19

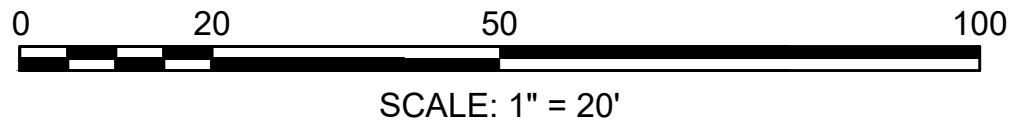
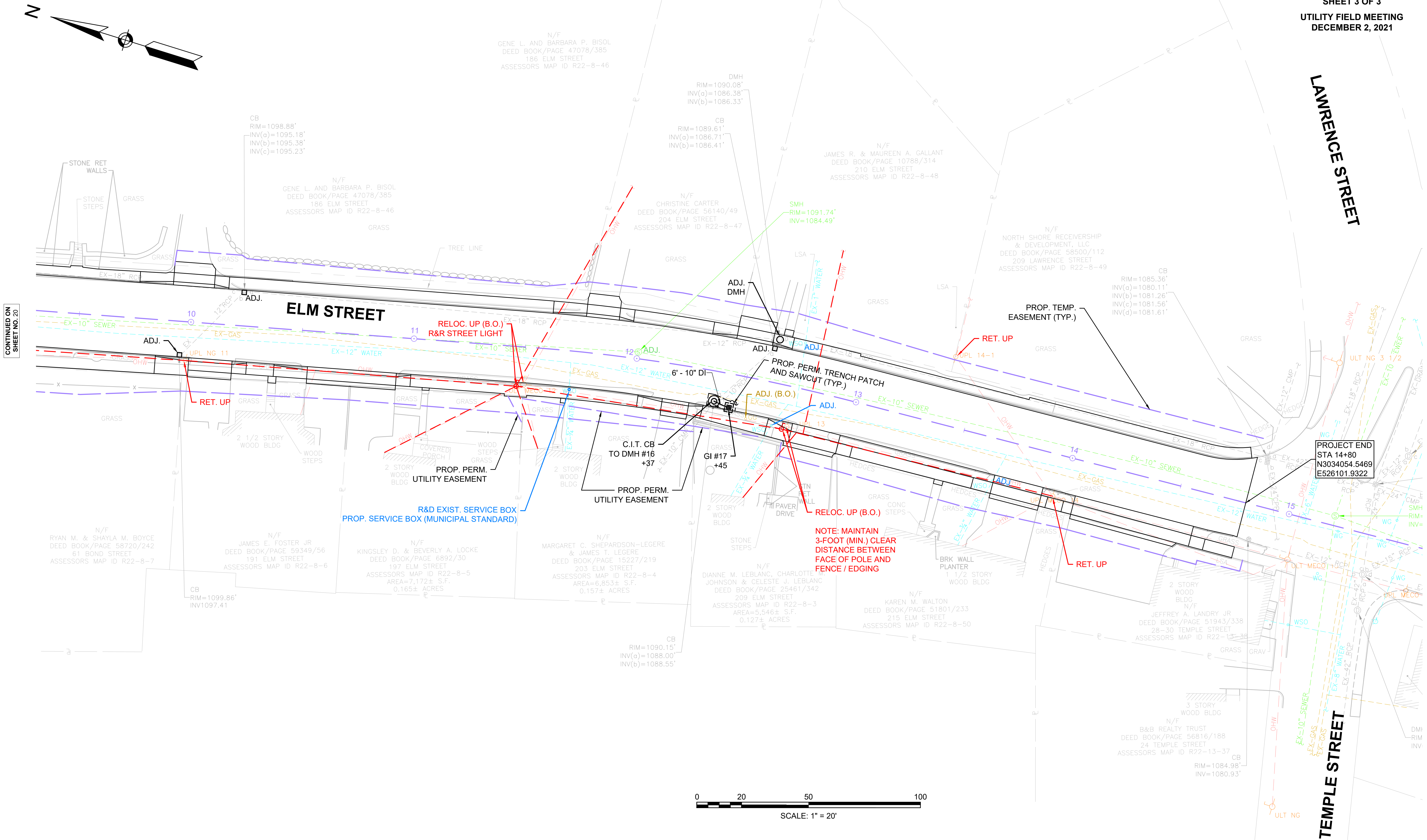
CONTINUED ON



| GARDNER<br>ELM STREET   |                    |           |              |
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| PROJECT FILE NO. 610672 |                    |           |              |

DRAINAGE & UTILITY PLANS  
SHEET 3 OF 3

UTILITY FIELD MEETING  
DECEMBER 2, 2021

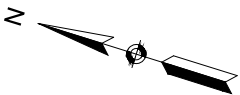


GARDNER  
ELM STREET

| STATE | FED. AID PROJ. NO. | SHEET NO. | TOTAL SHEETS |
|-------|--------------------|-----------|--------------|
| MA    | -                  | 19        | 55           |

PROJECT FILE NO. 610872

DRAINAGE & UTILITY PLANS  
SHEET 1 OF 3



CROSS STREET

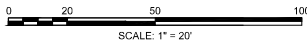
relocate  
pole 6-80

NOTES:

- PRIVATE UTILITY STRUCTURES NOT LABELED SHALL BE ADJUSTED BY OTHERS. (UNDERGROUND ELEC., TELE. & GAS, ETC.)
- EXISTING OR PROPOSED STRUCTURES TO BE ADJUSTED WITHIN WHEELCHAIR RAMPS AND ADA PATH OF TRAVEL SHALL BE CAREFULLY ADJUSTED SUCH THAT THE TOPMOST SURFACE OR STRUCTURE COVER SHALL BE FLUSH WITH THE FINAL PEDESTRIAN CURB RAMP SURFACE.
- EXISTING DRAIN LINES THAT CONFLICT WITH PROPOSED STRUCTURES OR PIPES SHALL BE REMOVED OR ABANDONED IN PLACE. ALL OTHER EXISTING DRAINAGE PIPES OR STRUCTURES SHALL REMAIN IN PLACE UNLESS NOTED OTHERWISE ON PLANS.
- CONTRACTOR SHALL VERIFY ALL EXISTING DRAINAGE INVERT INFORMATION PRIOR TO CONSTRUCTION.
- MAINTAIN 3' (MIN.) CLEAR PATH OF TRAVEL BETWEEN FACE OF UTILITY POLES AND EXISTING / PROPOSED FEATURES ALONG SIDEWALK.

ADJ./REMODEL = • ADJUST/REMODEL STRUCTURE  
• RAD EXIST. F&G OR COVER  
• PROVIDE NEW F&G OR COVER

| DRAINAGE STRUCTURE DATA |               |            |                     |           |                        |                        |
|-------------------------|---------------|------------|---------------------|-----------|------------------------|------------------------|
| STRUCTURE #             | TYPE          | BASELINE   | STATION OFFSET (FT) | RIM ELEV. | INV. IN (FROM STRUCT.) | INV. OUT (TO STRUCT.)  |
| 5                       | CB            | ELM STREET | 3+53.27 / 15.59' LT | 1118.91   |                        | 1113.91 (ADJ. #9)      |
| 6                       | CIT CB TO DMH |            | 4+09.70 / 27.66' LT | 1117.48   | EXIST (EXIST. STRUCT.) | EXIST (EXIST. STRUCT.) |
| 7                       | CB            | ELM STREET | 4+50.29 / 15.59' RT | 1115.81   |                        | 1112.06 (ADJ. #9)      |
| 8                       | CB            | ELM STREET | 4+50.04 / 12.59' LT | 1115.82   |                        | 1112.02 (ADJ. #9)      |

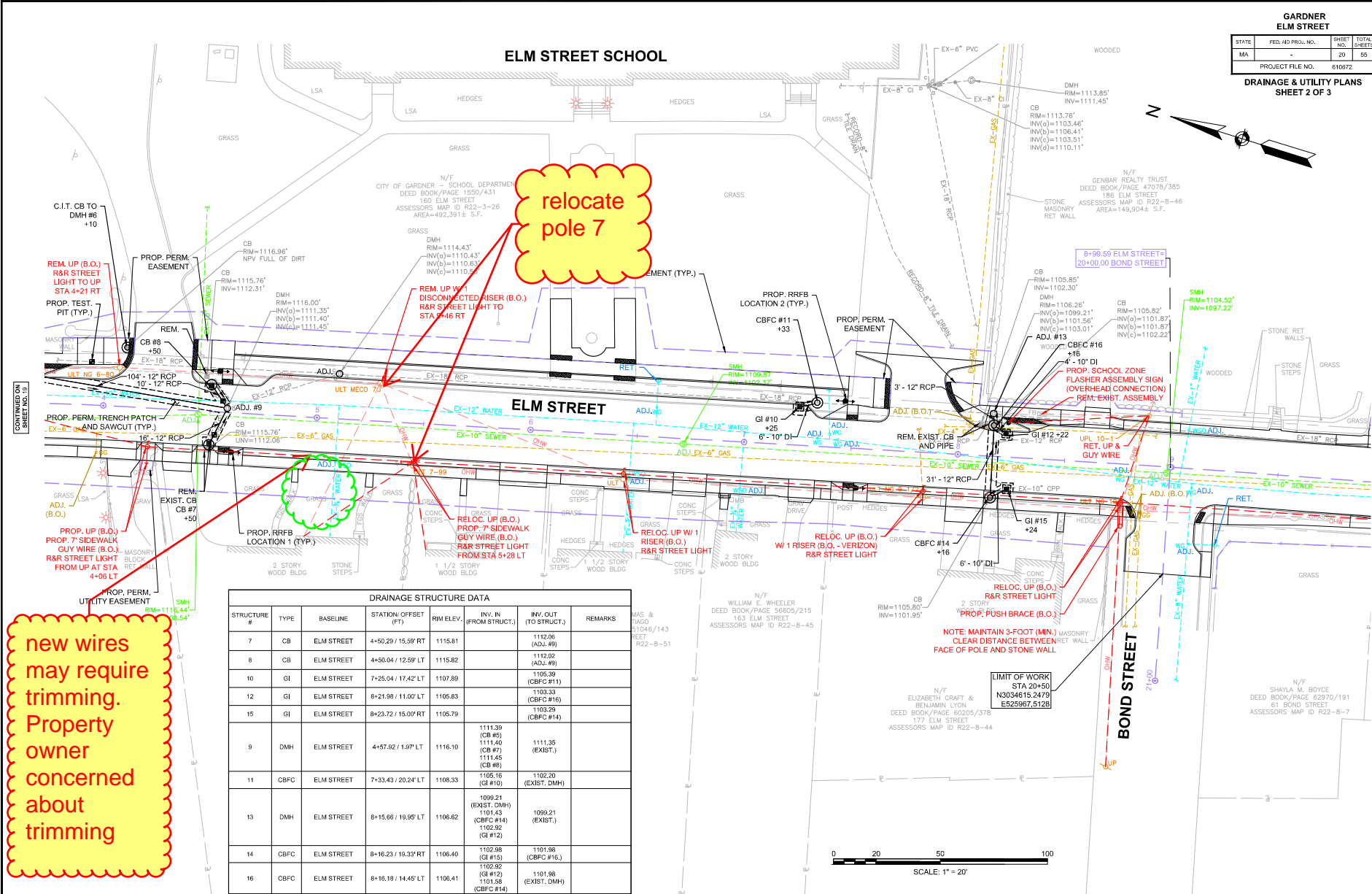




GARDNER  
ELM STREET

| STATE                   | FED. AID PROJ. NO. | SHEET NO. | TOTAL SHEETS |
|-------------------------|--------------------|-----------|--------------|
| MA                      | -                  | 20        | 55           |
| PROJECT FILE NO. 610672 |                    |           |              |

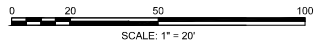
DRAINAGE & UTILITY PLANS  
SHEET 2 OF 3



relocate  
pole 7

new wires  
may require  
trimming.  
Property  
owner  
concerned  
about  
trimming

| DRAINAGE STRUCTURE DATA |      |            |                     |           |                                                                |                       |
|-------------------------|------|------------|---------------------|-----------|----------------------------------------------------------------|-----------------------|
| STRUCTURE #             | TYPE | BASELINE   | STATION/OFFSET (FT) | RIM ELEV. | INV. IN (FROM STRUCT.)                                         | INV. OUT (TO STRUCT.) |
| 7                       | CB   | ELM STREET | 4+50.29 / 15.99' RT | 1115.61   |                                                                | 1112.06 (ADJ. #9)     |
| 8                       | CB   | ELM STREET | 4+50.04 / 12.59' LT | 1115.62   |                                                                | 1112.02 (ADJ. #9)     |
| 10                      | GI   | ELM STREET | 7+25.04 / 17.42' LT | 1107.89   |                                                                | 1105.39 (CBFC #11)    |
| 12                      | GI   | ELM STREET | 8+21.98 / 11.00' LT | 1105.63   |                                                                | 1103.33 (CBFC #16)    |
| 15                      | GI   | ELM STREET | 8+23.72 / 15.00' RT | 1105.79   |                                                                | 1103.29 (CBFC #14)    |
| 9                       | DMH  | ELM STREET | 4+57.92 / 1.97' LT  | 1116.10   | 1111.39 (CB #5)<br>1111.40 (CB #7)<br>1111.45 (CB #8)          | 1111.35 (EXIST.)      |
| 11                      | CBFC | ELM STREET | 7+33.43 / 20.24' LT | 1108.33   |                                                                | 1102.20 (EXIST. DMH)  |
| 13                      | DMH  | ELM STREET | 8+15.66 / 19.95' LT | 1106.62   | 1099.21 (EXIST. DMH)<br>1101.43 (CBFC #14)<br>1102.92 (GI #12) | 1099.21 (EXIST.)      |
| 14                      | CBFC | ELM STREET | 8+16.23 / 19.33' RT | 1106.40   |                                                                | 1101.98 (CBFC #16)    |
| 16                      | CBFC | ELM STREET | 8+16.18 / 14.45' LT | 1106.41   | 1102.98 (GI #15)<br>1102.92 (GI #12)<br>1101.58 (CBFC #14)     | 1101.98 (EXIST. DMH)  |

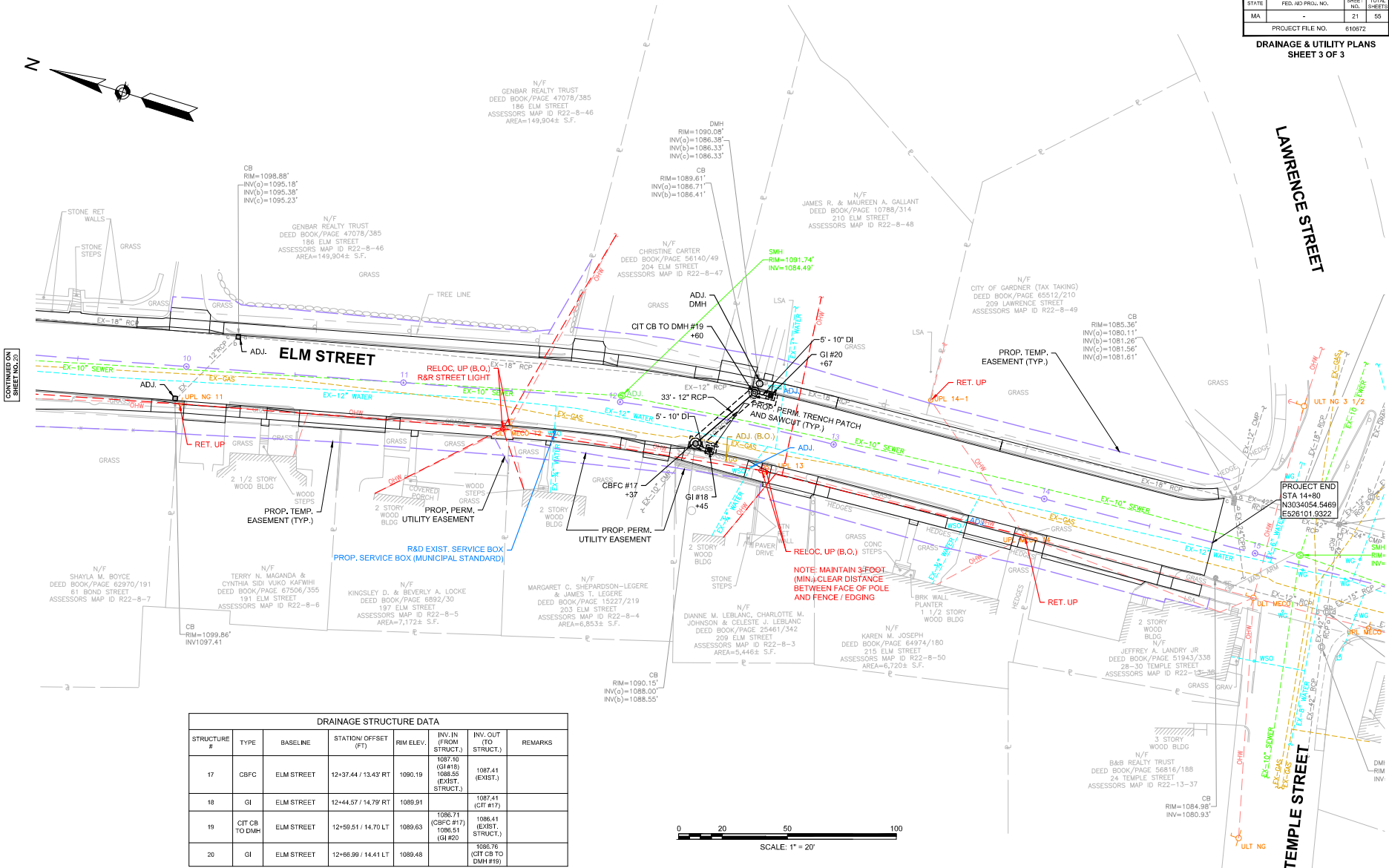




GARDNER  
ELM STREET

| STATE            | FED. AID PROJ. NO. | SHEET NO. | TOTAL SHEETS |
|------------------|--------------------|-----------|--------------|
| MA               | -                  | 21        | 55           |
| PROJECT FILE NO. |                    | 610872    |              |

DRAINAGE & UTILITY PLANS  
SHEET 3 OF 3





**CITY OF GARDNER  
MASSACHUSETTS 01440-2630**

OFFICE OF THE  
**CITY CLERK**

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

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**NOTICE TO ABUTTERS**

May 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 **TUESDAY, JUNE 20, 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 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:

ELM STREET – A Petition by National Grid and Verizon New England Inc., Elm Street – to install 1, Remove 1 and Relocate 1 Jointly Owned Pole on Elm Street beginning at a point approximately 360 feet southeast of the centerline of the intersection of Elm Street and Cross Street and continuing approximately 500 feet in a south direction. P6-80 Replace and Relocate +/- 30' West. Install anchor guy on West of Pole. P7-99 is being removed. P10-99 is installing Push Brace on West side of P10.

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

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN  
City Clerk



## ENGINEERING DEPARTMENT

### CITY 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:** May 26, 2023

**Project:** National Grid City Council Pole Petition  
City Council Item #10993

National Grid has submitted a pole petition for removing and placing new poles and guys/braces on Elm Street. I have inspected the proposed locations, reviewed the petition application, and offer the following comments below in italics:

- At existing pole P10 a new push brace pole P10-99 is proposed. *No comment.*
- Existing pole P7-99 to be removed. *As there is no replacement for this pole, the existing streetlight should be returned to the City.*
- Existing pole P6-80 to be removed and replaced on opposite side of Elm Street. *The existing streetlight should be returned to the City for installation on the new pole location.*
- Proposed pole P6-80 is to be installed on west side of Elm Street. *The proposed location of the pole was not marked in the field. It would appear that it is proposed at the back of the sidewalk in a narrow grass strip between driveways 137 and 147 Elm Street.*
- Existing overhead wires from existing poles P7 to P7-99 to P6-80 to a pole not shown on the plan are proposed to be removed. New overhead wires are proposed from poles P8 to P7 to P6-80 and terminating at an existing pole (crossing over Elm Street) not shown on the plan. *No comment.*

Questions contact – Jarad Aker 774-453-2817

# **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:

Elm St - National Grid to install 1 JO Pole, remove 1 SO Pole and Relocate 1 SO Pole on Elm St beginning at a point approximately 360 feet southeast of the centerline of the intersection of Elm St & Cross St and continuing approximately 500 feet in a south direction. P6-80 Replace and Relocate +/- 30' West. Install anchor guy on West of Pole. P7-99 is being removed. P10-99 is installing Push Brace on West side of P10.

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 – Elm St - Gardner - Massachusetts.

**No. 30394729** June 21, 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 \_\_\_\_\_  
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 21st day of June, 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 – Elm St - Gardner - Massachusetts.

**No. 30394729** Dated June 21, 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:

Elm St - National Grid to install 1 JO Pole, remove 1 SO Pole and Relocate 1 SO Pole on Elm St beginning at a point approximately 360 feet southeast of the centerline of the intersection of Elm St & Cross St and continuing approximately 500 feet in a south direction. P6-80 Replace and Relocate +/- 30' West. Install anchor guy on West of Pole. P7-99 is being removed. P10-99 is installing Push Brace on West side of P10.

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

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

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

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

Attest:

City/Town Clerk

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

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

City/Town Clerk.

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

Board or Council of Town or City, Massachusetts

# CERTIFICATE

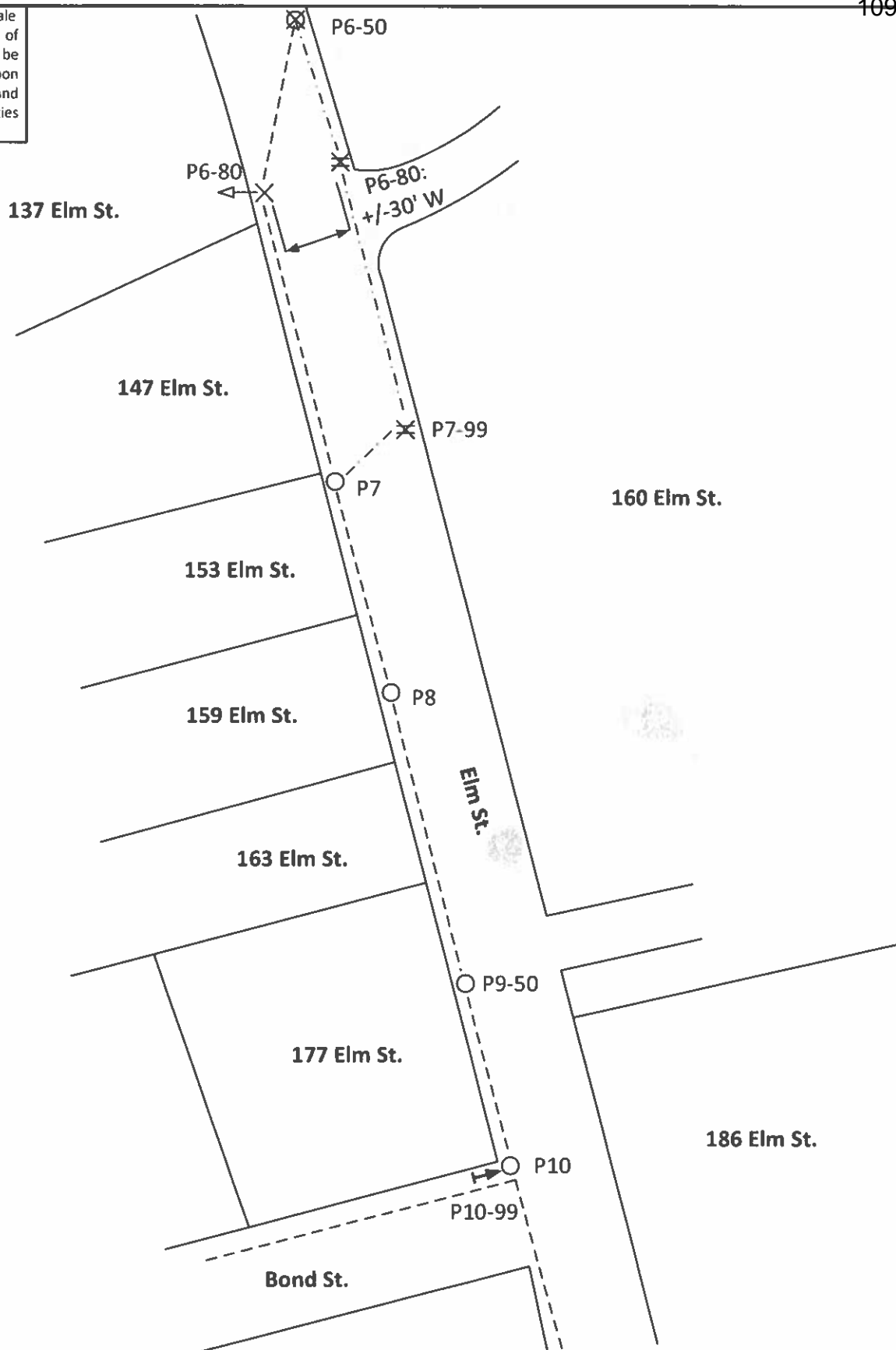
I hereby certify that the foregoing is a true copy of the location order and certificate of  
hearing with notice adopted by the of the City of  
Massachusetts, on the day of 20 , and recorded with the  
records of location orders of the said City, Book , Page . This certified copy  
is made under the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

Attest:

City/Town Clerk

Exhibit "A" - Not to Scale  
The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.

10993



**Legend**

|                   |                      |                          |
|-------------------|----------------------|--------------------------|
| JO Pole ○         | Inst SO Pole ✕       | Rem SO Pole ✕            |
| Inst Push Brace ⇨ | OH Conductor - - - - | Rem OH Conductor - - - - |
| Inst Anchor/Guy ⇐ | Repl SO Pole ⊗       |                          |

**DOT - 610672**

160 Elm St. Gardner, Ma.

Date: 3/27/23  
Designer: AKERJA  
WR: 30394729

**Notes:** Relocate p6-80 +/- 30' W & install anchor/guy. Remove p7-99. Install push brace p10-99 on W side of p10  
Sheet 1 of 1

**nationalgrid**

| CODE | PLANT AND PRODUCT NO. | ORDER NO. | TRANS. DATE |
|------|-----------------------|-----------|-------------|
| 100  |                       | 0         | 00          |

**CONSTRUCTION PLAN**  
**SHEET 1 OF 3**

### **STANDARD DETAILS**

**SEE SHEET 10**

## WATER SUPPLY ALTERATIONS

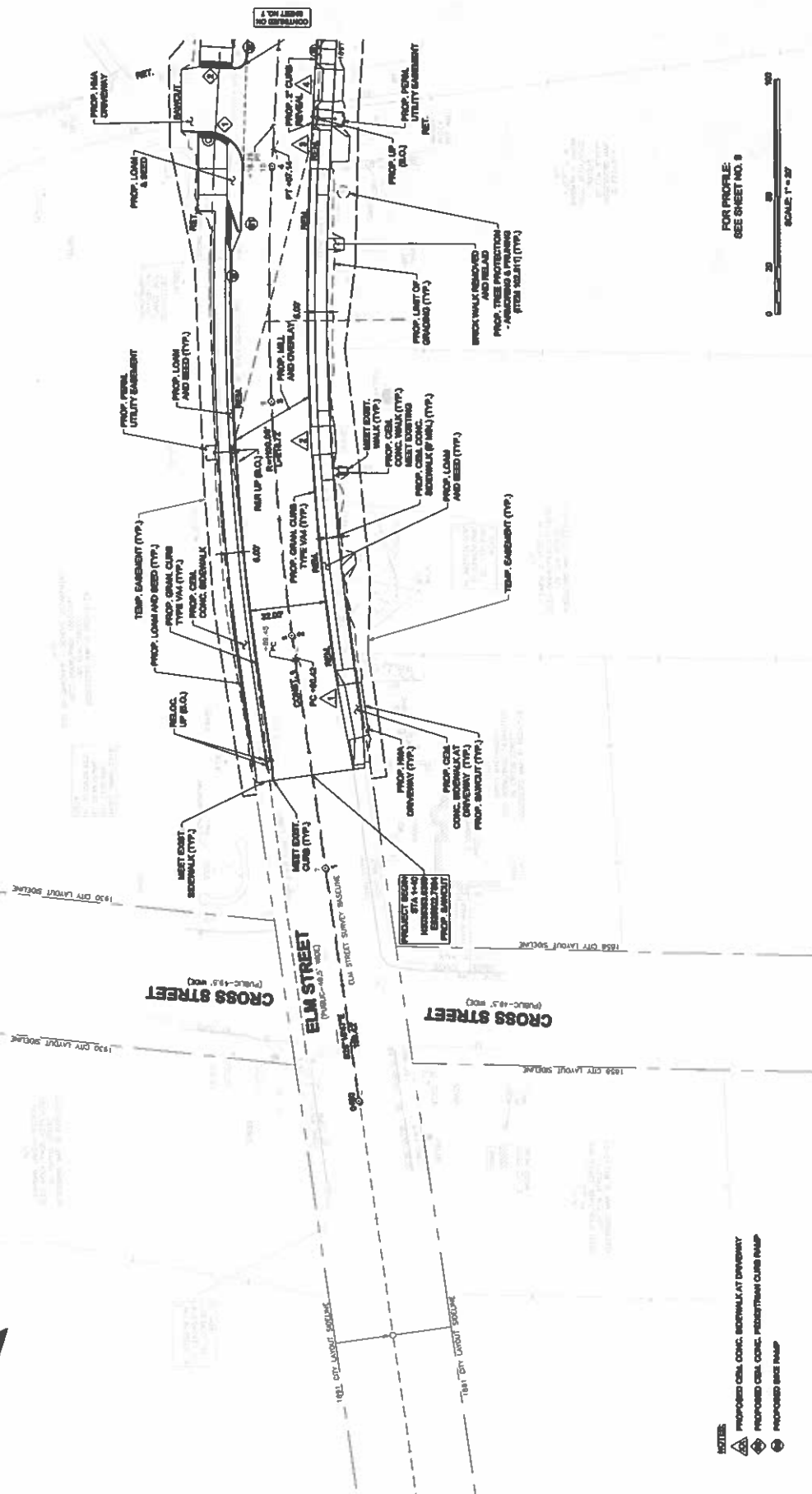
**EXON**

### TRAFFIC SIGNAL CONDUIT

**None**

## STYLED COUNTRY LAMEN

330



**FOR PROFILE:  
SEE SHEET NO. 9**

**SCALE 10-302**

**NOTES:**

-  PROPOSED C&A CONC. BYPASS AT DRIVEWAY
-  PROPOSED C&A CONC. PEDESTRIAN CURB RAMP
-  PROPOSED SIDE RAMP



| FACILITY FULL NAME |                     |       |      |
|--------------------|---------------------|-------|------|
| ADDRESS            | CITY AND STATE, ZIP | PHONE | DATE |
| 1000               |                     |       |      |

**ELM STREET SCHOOL**

### STORAGE DETAILS

DE 13348 7338

## WATER SUPPLY ALTERATIONS

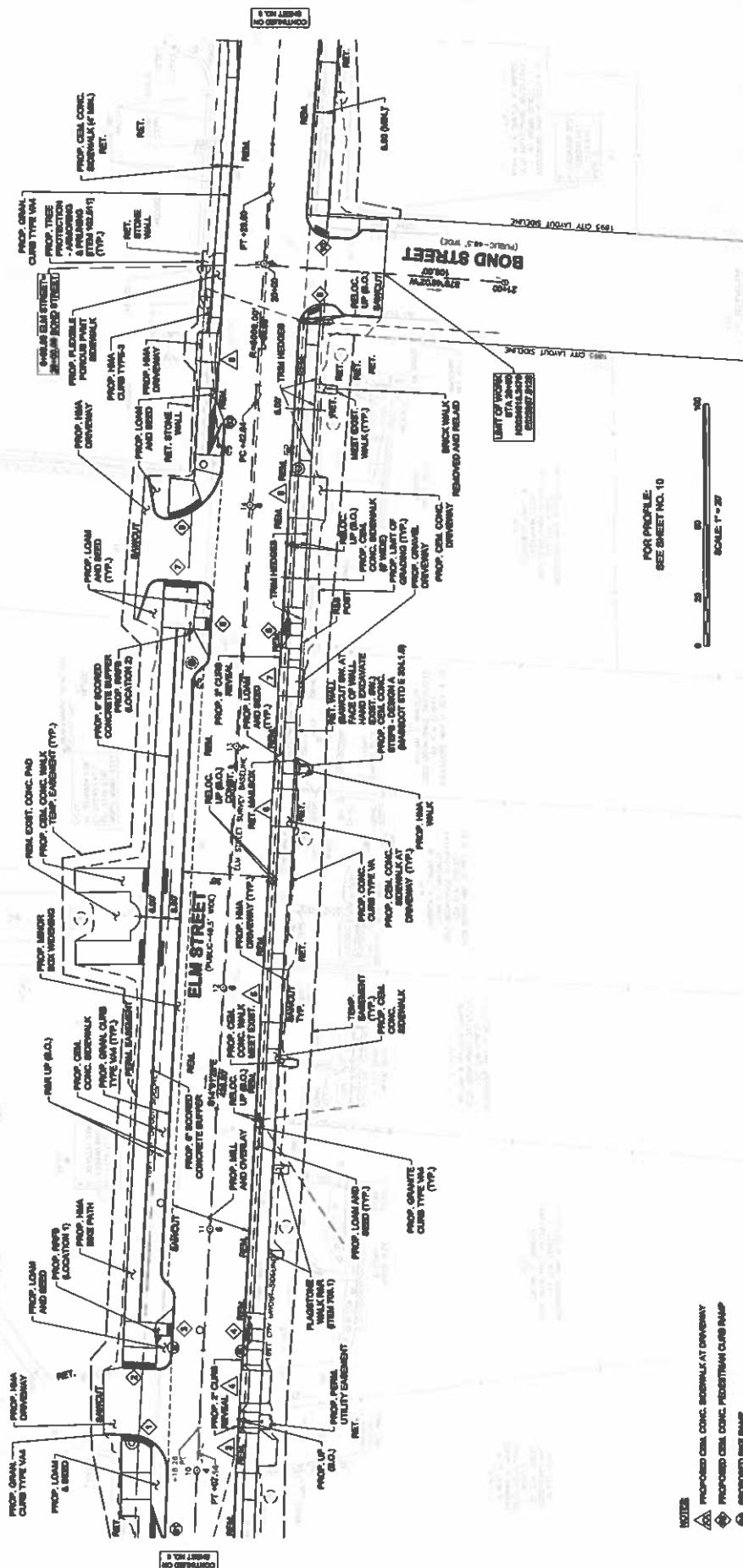
### EXON

### TRAFFIC SIGNAL CONDUIT

**BOOK**

### HIGHWAY GUARD DETAILS

**EMERSON**



FOR PROFILE:  
SEE SHEET NO. 10

**DATE: 10-17-2017**

## 1

-  PROPOSED CMAA CONC. SIDEWALK AT DRIVEWAY  
 PROPOSED CMAA CONC. PEDESTRIAN CURB RAMP  
 PROPOSED SIDE RAMP

| EXHIBIT |     | YOU FILE CORRECT |     |
|---------|-----|------------------|-----|
| NO      | 0   |                  | YOU |
| YES     | 100 |                  | YOU |

CONSTRUCTION PL  
SHEET 2 OF 3

### DRAINAGE DETAILS

121348 3388

## WATER SUPPLY ALTERATIONS

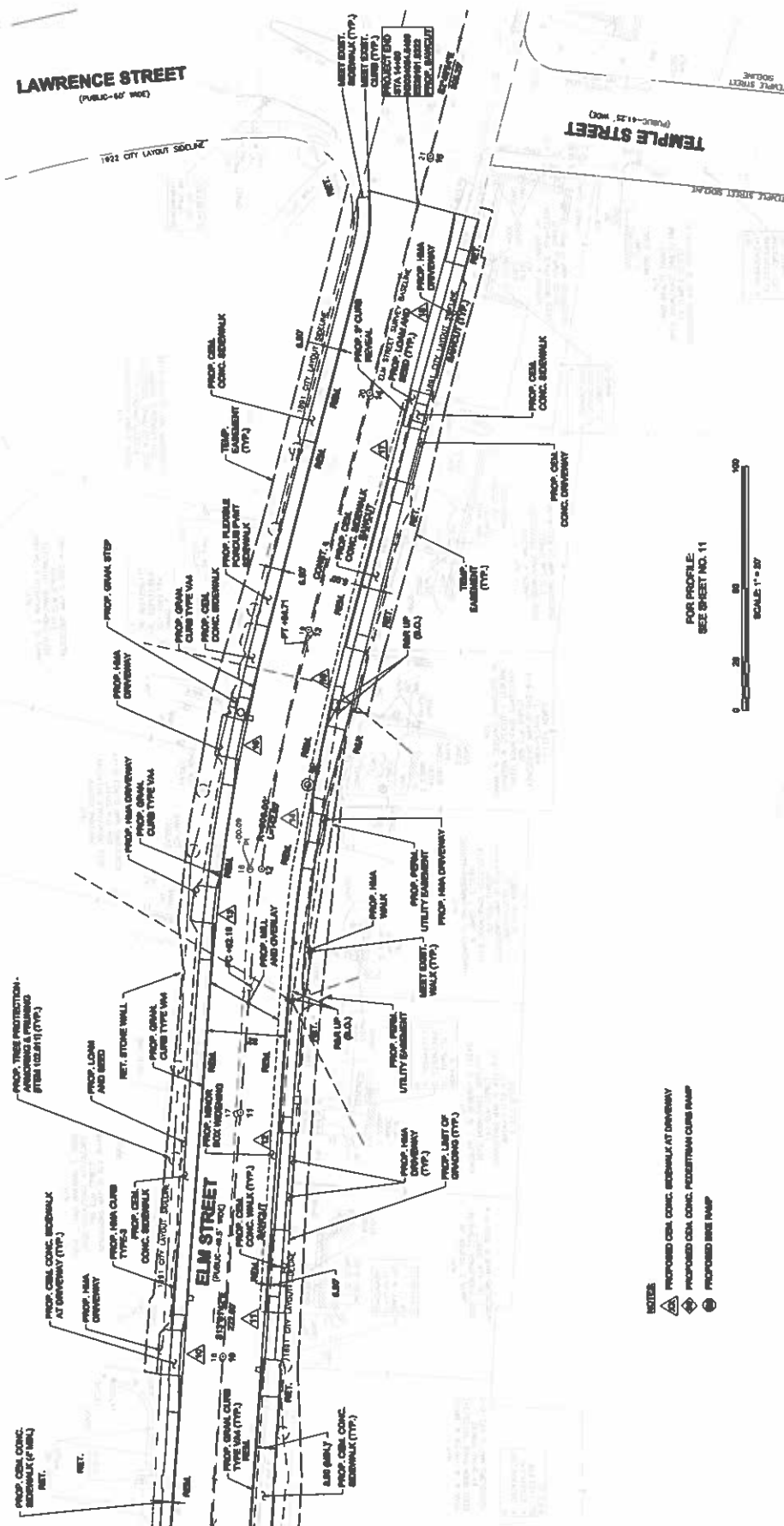
**NONE**

**TRAFFIC SIGNAL CONDUIT**

**PHONE**

## HIGHWAY GUARD DETAILS

**HOME**



FOR PROFILE  
SEE SHEET NO. 11

| Vegetation Type | A (%) | B (%) | C (%) | D (%) |
|-----------------|-------|-------|-------|-------|
| Bare ground     | ~70   | ~10   | ~10   | ~10   |
| Low shrubs      | ~20   | ~10   | ~10   | ~10   |
| Tall shrubs     | ~10   | ~10   | ~10   | ~10   |
| Grasses         | ~10   | ~50   | ~50   | ~50   |
| Trees           | ~0    | ~30   | ~30   | ~30   |

**Notes**

-  PROPOSED CURB CUT, SIDEWALK AT DRIVEWAY  
 PROPOSED CURB CUT, PEDESTRIAN CURB RAMP  
 PROPOSED INLET RAMP

**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.

# CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING



August 31st, 2023

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

RE: Open Space and Recreation Plan Update

Dear President Kazinskas:

Over the past eight months the City's Open Space and Recreation Committee has been working with a consultant to update the City's Open Space and Recreation Plan. On June 15<sup>th</sup> 2023, the draft plan was presented to the public respectfully, gathering various input and important feedback for the final draft. The Committee respectfully requests that the City Council place this item on its September 5th, 2023, agenda. The Committee trusts the Council will find the draft plan very informative and looks forward to any feedback and support the City Council may offer in consideration of endorsement of the plan consistent with the attached resolution.

The draft plan can be found on the City of Gardner Website at: <https://gardner-ma.gov/260/Open-Space-Recreation-Plan> under "Documents"

Please feel free to call me if you have any questions.

Sincerely,

Trevor M. Beauregard  
Director

Cc: Mayor Michael J. Nicholson  
Mark Schafron, Planning Board Chairman  
Greg Dumas, Conservation Commission Chairman

TMB/cmf

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

RESOLUTION  
OPEN SPACE AND RECREATION PLAN  
2023 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) 2023 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 2023 Update to be submitted to the Commonwealth of Massachusetts, Division of Conservation Services.

**From:** [Elizabeth Kazinskas](#)  
**To:** [Titi Siriphan](#)  
**Subject:** Fw: [EXTERNAL] Rt. 140 Zoning Petition  
**Date:** Tuesday, August 29, 2023 7:53:28 AM  
**Attachments:** [image001.jpg](#)  
[8-28-23 COG City Council.pdf](#)  
[COG Minutes 1937.pdf](#)

---

Good morning Clerk Siriphan,

Please include this email and the attachments in Tuesday's regular meeting packet.

Best,  
Lizzy

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

---

**From:** John Flick <jflick@flicklawgroup.com>  
**Sent:** Monday, August 28, 2023 4:03 PM  
**To:** Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>  
**Cc:** Mayor <Mayor@gardner-ma.gov>; Trevor Beauregard <tbeauregard@gardner-ma.gov>  
**Subject:** [EXTERNAL] Rt. 140 Zoning Petition

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

President Kazinskas,

Please see the attached correspondence from the Law Department regarding the zoning petition for land along Rt. 140. Please let me know if you have any questions.

Best,  
John

\*\*\*\*\*

John M. Flick, Esq.



144 Central Street  
Gardner, MA [01440-1633](tel:01440-1633)  
Main No: [978-632-7948](tel:978-632-7948), Ext. 101  
Direct Dial: [978-483-0847](tel:978-483-0847)  
Fax: [978-483-0847](tel:978-483-0847)

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

\*\*\*\*\*

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# CITY OF GARDNER LAW DEPARTMENT

John M. Flick  
City Solicitor

~~Ethan Kolodny~~  
Assistant City Solicitor



144 Central Street, Suite 201  
Gardner, MA 01440

Telephone (978) 632-7948  
Fax (978) 630-3703

Writer's Email:

August 28, 2023

## VIA ELECTRONIC MAIL

Elizabeth Kazinskas, President  
City of Gardner City Council  
95 Pleasant Street  
Gardner, MA 01440

Re: Rt. 140 Zoning Change to Parcels M47-22-4 and M47-24-1

Dear President Kazinskas:

I am writing regarding the petition to change the zoning classification of the above-referenced parcels, Parcels M47-22-4 (the "Heywood parcel") and M47-24-1 (collectively the "Parcels") from Rural Residential 2 to allow for commercial development. As you are aware, following the referral of the petition to the Planning Board by the City Council, the matter was referred to the City of Gardner Law Department with two questions; one question being whether or not the property is subject to Article 97. The purpose of this letter is to provide the Council with the findings of the Law Department regarding the applicability of Article 97 to the Parcels and, in light of these findings, to ascertain the intent of the Council.

The applicability of Article 97 to publicly owned land arises when a public landowner seeks to change the use of land from a use protected by Article 97 to another use. A change in zoning classification does not constitute a change in use. A change in use only arises when a public landowner seeks to sell, lease, or license land, or to develop land for public purposes which results in a change from one public use to another. Given the impact of Article 97 on any future use of the Parcels as a threshold question, the Law Department first undertook consideration of the Article 97 question. The request from the Planning Board for an Article 97 review is the first such request received by the Law Department regarding the Parcels.

Article 97 was passed and ratified in 1972 as an Amendment to the Massachusetts Constitution. The Article 97 Amendment states as follows:



“The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose. The general court shall have the power to enact legislation necessary or expedient to protect such rights. Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the general court.”

Article 97 applies to all qualifying publicly owned land, whether owned by the Commonwealth of Massachusetts, its cities and towns, or any of its political subdivisions or other public entities. Article 97 grants all residents of the Commonwealth, i.e. the general public, an interest in these public lands by way of an easement. *Smith v. City of Westfield*, 478 Mass. 49, 59 (2017) citing *Lowell v. Boston*, 322 Mass. 709, 730 (1948).

Article 97 is premised on the well-established legal doctrine governing public owned land known as the doctrine of “Prior Public Use.” The Prior Public Use doctrine holds that “public lands devoted to one public use cannot be diverted to another inconsistent public use without plain and explicit legislation authorizing the diversion.” *Mahajan v. Dep't of Env't Prot.*, 464 Mass. 604, 616 (2013). Article 97 must be read and applied consistent with the Prior Public Use doctrine. *Id.* Consistent with this well-established doctrine, Article 97 is applied retroactively to publicly owned lands acquired before 1972.

The starting point for any Article 97 analysis must, therefore, be a review of public records related to the acquisition of public lands in order to determine 1) what was the purpose for which the land was acquired, and 2) was any legislative action taken to abandon that original purpose. Prior Public Use can often be determined from the content of the documents, such as deeds or other documents recorded in the Registry of Deeds. This is not, however, completely dispositive to the application of Article 97 to publicly owned lands. Article 97 litigation has developed over the years to include lands which were acquired for general municipal purposes, but over time acquired Article 97 protections based on the use to which a municipality put the land. *Westfield*, 478 Mass at 59. In addition, local legislative history of land acquisition and ownership is critical to this analysis as public land ownership in the Commonwealth predates the revolutionary war. Given this long history, a municipality’s legislative record may contain vital information, but included in the recorded instruments, to assist with determining the Prior Public Use of publicly owned lands.

If this initial inquiry concludes that the land in question was originally acquired for Article 97 purposes, and no subsequent legislative action was taken to alter that purpose, the land is subject



to the use restrictions of Article 97 and its requirements if a change in use is sought. This does not mean that the use of land which is subject to Article 97 cannot be changed. However, such a change is a complicated process that developed over years of judicial interpretation and regulatory oversight. In 2022, the process was codified as the Public Lands Protection Act (the "PLPA"). *See M.G.L. c. 3, § 5A*. The PLPA, in addition to requiring a 2/3 vote of the local legislative body (i.e. the City Council), and a 2/3 vote of the Commonwealth of Massachusetts Senate and House of Representatives to change the use of Article 97 land, requires a public body seeking to change the use of Article 97 land to engage in a rigorous and costly review process before a change in use will be permitted. This process includes requirements that the public entity seeking the change in use identify other lands of equal size and/or value that the public entity may acquire or dedicate to Article 97 uses, public hearings, and studies, among other requirements unless an exemption is granted by the Secretary of the Executive Office of Environmental Affairs (the "EEA"), or the Legislature. This is a very simple summary of the PLPA requirements. For further details, I refer the Council to the guidance from the EEA regarding the requirements of the PLPA which was provided to the City Council by the Law Department earlier this year.

Prior to the request of the Planning Board, the Law Department had not been asked to review the Parcels in detail to determine if Article 97 applies. The Law Department did conduct a general review of the legal principles related to Article 97, as was a search of the Registry of Deeds to review the title history of the Parcels. This initial research led to a preliminary conclusion that Article 97 likely applied to the Parcels in question based on the use to which the land has been put. The acreage in question has been largely untouched for almost 100 years, is used by the public for hiking and biking trails, is bordered by dedicated conservation land including the Gardner City Forest, has been identified as conservation land in the City's Open Space Recreation Plan for 40+ years, among other Article 97 qualifying purposes. Questions have also been raised relevant to the inclusion of the Parcels in the City's watershed lands.

As stated above, the underlying zoning of land does not constitute a "use." Therefore, a change in zoning does not implicate Article 97. A detailed analysis would be appropriate and, in the Law Department's opinion, required when, and if the City sought to dispose of the land, thereby changing its use by either sale, lease or license, or development for some other public use such as a school or public building. Nevertheless, in response to the Planning Board's request, the Law Department has conducted a thorough historical review of City records to answer the following questions: 1) What is the purpose for which the City acquired the Parcels, 2) Is that purpose within the confines of Article 97, and 3) What, if any legislative action has been taken to abandon or alter the Prior Public Use of the Parcels?

The Heywood parcel, which consists of 120+/- acres was acquired by the City in 1937 from the Heywood Farm, Inc. The Law Department has been unable to locate a deed for Parcel M47-24-1. Since a deed has not been found, the Prior Public Use cannot be determined with certainty and



there is no date reference so as to identify a period of time in which the City Council considered the acquisition of this parcel. However, parcel M47-24-1 consists of all wetlands, namely Wilder Brook, and is not viable for development of any kind, residential or commercial. Verification of this only requires a simple visual inspection and walk along the North Central Pathway. It is unclear to the Law Department why parcel M47-24-1 is included in the zoning petition for the above-stated reasons. Given the condition of this parcel, plus the fact that the Commonwealth of Massachusetts has identified portions of this parcel as critical wildlife habitat, parcel M47-22-4 is included in the use of the term "Parcels" when discussing the applicability of Article 97 to both parcels.

The Heywood parcel appears to have been taken through a friendly eminent domain taking process as deeds signed by the grantors were recorded as opposed to instruments of taking. There is no statement of use set forth in the recorded deeds. Typically, an instrument of taking would clearly state the purpose for which the land was taken by a governmental entity. In the case of the Heywood parcel, the recorded deed lacks any such statement giving the appearance that the parcel was acquired for general municipal purposes, i.e. any lawful use the municipality desires. However, a very different story emerges when the legislative history of the City Council is reviewed. It is clear from the 1937 City Council minutes that the original public purpose for which the land was taken was the protection of the City's drinking water. The legislative record contains clear statements of purpose for the taking, and the 1937 Council used funds from the Gardner Water Department's Land Purchase Account to pay for the land. Given its proximity to the Heywood parcel, it is likely that parcel M47-22-4 was acquired for the same public purpose.

Enclosed you will find the applicable City Council minutes of meetings conducted between February 23, 1937, and April 13, 1937 detailing not only the votes taken by the Council, but reports of the investigation conducted and testimony provided during the public hearings in which the taking of the Heywood land for the protection of the City's public water supply was debated. Reading this record, the answer to the first question is unmistakable, the Prior Public Use for which the Parcels were acquired was the protection of the City's drinking water.

Turning then to the second question, Article 97 states, in relevant part, "The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose." Clearly, the use for which the Parcels were acquired is covered by Article 97, the peoples' right to clean water. Thus, the second question is answered in the affirmative.

The Law Department was unable to locate any subsequent legislative action in which this Prior Public Use was abandoned. While not conclusive, engineering plans were located for the layout of Route 140 in the early 1970's. These plans identify the Parcels as City of Gardner, Water Department land. These plans support the conclusion that there was no legislative action taken



by the City of Gardner between 1937 and 1972 to change the Prior Public Use from the protection of the City's water supply to some other use. Moreover, as stated above, the Parcels have been identified as conservation land in the City's Open Space Recreation Plan since the early 1980's. When this history is viewed in its entirety, question 3 can only be answered in the negative, thus concluding that the City has observed and maintained the original, Prior Public Use established when the Parcels were acquired in 1937 - the conservation and protection of the land for the City's public drinking water supply. The evidence in favor of Article 97 protection of the Parcels is unequivocal.

Based on the foregoing, it is the Law Department's opinion that Article 97 and the Public Lands Protection Act apply to the Parcels and will govern any future change in use sought by the City. The purpose of this letter, therefore, is to inquire if the City Council intends to pursue a change in use of the subject parcels in full compliance with the Public Lands Protection Act regardless of whether the zoning is changed. If so, then the Council should engage in a robust analysis of the PLPA requirements and whether or not there is any likelihood of the Commonwealth of Massachusetts approving any desired change in use of these Parcels or granting an exception to the PLPA and if so, the cost to the City in complying with the PLPA. This analysis should be conducted as a threshold analysis before any zoning change is considered.

If the Council desires to seek a change in use of these Parcels, then the Law Department recommends that the Council reconsider its referral of the zoning petition to the Planning Board and commence with a PLPA change in use analysis. This will allow the Council to determine the likelihood that a change in use may be approved, and the potential cost to the City of obtaining a change in use. Without this knowledge, any consideration of a change in zoning is simply an academic exercise.

Please let me know if the Council requires any additional information or would like to discuss this matter further.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. M. Flick", written over a horizontal line.

John M. Flick

Enc.

Cc: Mayor Michael Nicholson  
Trevor Beauregard, Director of Community Planning and Development

CITY OF GARDNER  
February 23, 1937  
IN CITY COUNCIL

Special meeting

Tuesday evening, February 23, 1937. Special meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Hartshorn.

Rollcall

Rollcall taken--Councillor Shippee absent.

Appointments  
confirmed

The following appointments received from the Mayor and confirmed:

PAUL B. AMOR as Assessor  
for term expiring March 1, 1940

CLARA BOURGEOIS as Member, Board of Public Welfare  
for term expiring February 28, 1940

FRED B. COLBY, M. D. as City Physician  
for term expiring February 28, 1938

JOSEPH GLEBO as Special Police Officer  
for in and around the Lithuanian Camp Bounds, off West Broadway, for term expiring January 30, 1938

GEORGE T. GREENWOOD as Cemetery Commissioner  
for term expiring February 28, 1940

FRED G. KEGLER as Golf Course Commissioner  
for term expiring March 1, 1942

STANLEY G. KENDALL as City Engineer  
for term expiring March 1, 1938

HELEN B. PHELAN as Assistant Assessor  
for term expiring March 1, 1938

Suspension of  
Council Rule

Voted to suspend the Council Rule in regard to appointments.

Appointments  
confirmed

The following appointments received from the Mayor and confirmed:

L. PORTER ANDREWS as Special Police Officer  
for in and around the property of the Heywood-Wakefield Co.,  
for term expiring January 30, 1938

ALEXANDER W. BROWN as Special Police Officer  
for in and around the City Infirmary, without pay,  
for term expiring January 30, 1938

THOMAS ALFRED LOVEDAY as Special Police Officer  
for in and around the First National Bank Property, without  
pay, for term expiring January 30, 1938

1937 Budget

Voted that the 1937 Budget be held until the other business of the meeting had been conducted.

The following order was unanimously passed on rollcall vote:

GARDNER-TEMPLETON BRIDGE

ORDERED:

That the Mayor be and hereby is authorized to contract with the Commonwealth of Massachusetts, Department of Public Works, for the assumption of all land damages in connection with the rebuilding of the Gardner-Templeton Bridge on Shoddy Mill Road.

Approved February 26, 1937  
James A. Timpany, Mayor

An Order re the  
Gardner-Temple-  
ton Bridge  
unanimously  
passed on  
rollcall vote

Voted to pass the following order:

AN ORDER AUTHORIZING THE MAYOR TO DISPOSE OF  
BUILDINGS LOCATED ON CONNORS STREET

ORDERED:

That the Mayor be and hereby is authorized to sell or otherwise dispose of all the buildings owned by the City and located on the Hilchey lot on Connors Street at such price and under such conditions as he may deem advisable.

Approved February 26, 1937  
James A. Timpany, Mayor

Voted to refer to the Finance and Public Service Committees the recommendation received from the Board of Public Works to purchase, for water protection, the land and buildings owned by Heywood Farm Inc., and also a small parcel of land and cottage house in the Heywood Farm group of buildings owned by Harriet Heywood.

On the petition of the Gardner Electric Light Co. for pole and wire locations on Otter River Road it was voted to hold a hearing on April 5, 1937, or at a special meeting if due notice could be given for the hearing.

Kelty Motors granted a first class license to purchase, sell, exchange or assemble second-hand motor vehicles or parts thereof.

Monadnock Council Boy Scouts granted permits, under the supervision of the Building Inspector,

to hang a banner in West Gardner Square re drive  
" erect a sign " " " " " "

Voted to grant the Public Safety Committee more time re Teddy Sadowski's sign.

Voted to grant the Public Safety Committee more time re John E. Sundholm's sign.

Voted that the City Clerk send each councillor for study a copy of "An Act Amending Certain Sections of the Charter of the City of Gardner", to be submitted to the Legislature.

Voted to lay the matter on the table.

In regard to the Certificate of Incorporation from the Alumnae Association of Psychiatric Nurses of the Gardner State Hospital the application was returned to the Secretary of the Commonwealth together with a letter advising that the Council understood that the petition had been withdrawn.

An Order Authorizing the Mayor to Dispose of Buildings Located on Connors Street passed

Recommendation to purchase Heywood Group of buildings and land on Green St. referred to Finance and Public Service Committees

Re Gardner Electric Light Co. petition for pole and wire locations on Otter River Rd.

Kelty Motors granted 1st class license

Monadnock Council Boy Scouts granted sign permits

More time granted re sign

More time granted re sign

An Act Amending Certain Sections of the City Charter laid on the table

Re Certificate of Incorporation from the Alumnae Assn. of Psychiatric Nurses of the Gardner State Hospital

Appointment laid on the table

The following appointment received from the Mayor and laid on the table:

LESLIE F. WHEELER as Special Police Officer  
for in and around the Methodist Church, Chestnut Street

Appointments of Measurers of Wood and Bark confirmed

Voted to appoint the following Measurers of Wood and Bark

Lucian D. Stedman  
Mervyn W. Sweet  
George D. Young

Heywood Farm Property proposition laid on the table until the next regular meeting

Francis H. Kingsbury, First Assistant Engineer in the State Department of Public Health conducted a general discussion and explanation of the condition of the Heywood Farm as a watershed for Crystal Lake. Voted to lay the proposed purchase of Heywood Farm Property by the Water Department of the City of Gardner on the table until the next regular meeting.

Authorization of publicity

Voted that the press be requested to give this matter publicity.

Adjourn

Voted to adjourn at 9:50 o'clock p. m.

A true copy, Attest:

*Benjamin F. Holden*  
Clerk of the City Council

CITY OF GARDNER

April 5, 1937

IN CITY COUNCIL

Regular meeting

Monday evening, April 5, 1937. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Hartshorn.

Rollcall

Rollcall taken--All members present.

Records approved

Records of regular meeting of March 1, special meetings of March 15 and March 22 read and approved as corrected.

Appointments confirmed

The following appointments received from the Mayor and confirmed:

LESLIE F. WHEELER as Special Police Officer  
for in and around the Methodist Church, Chestnut Street,  
without pay, for term expiring January 30, 1938

HAROLD L. LAROCHE as Special Police Officer  
for in and around the Gardner Roller Skating Rink Building  
at Fair Grounds, without pay, for term expiring January 30,  
1938

EMILE BERNARD as Special Police Officer  
for in and around the Florence Stove Company, without pay,  
for term expiring January 30, 1938

WILLIAM CHICOINE as Special Police Officer  
for in and around the Florence Stove Company, without pay,  
for term expiring January 30, 1938

GORDON J. KELLEY as Special Police Officer  
for in and around the Florence Stove Company, without pay,  
for term expiring January 30, 1938



Voted to refer to the Finance Committee for consideration a petition from the Police Department regarding restoration of pay and an increase of 20 per cent.

Petition for restoration of pay and an increase of 20% for Police Dept.

Voted to refer to the Finance Committee for study, as far as the Council has control, a petition signed by approximately 2000 citizens of the City of Gardner regarding restoration of City Employees' pay cut plus a twenty per cent increase.

Petition for restoration of paycut, plus 20% increase

The joint Finance and Public Service Committees unanimously recommended the purchase of Heywood Farm property by the Water Department of the City of Gardner and it was voted that the report of the committee be spread upon the records of the Council. (See page 415)

Recommendation of purchase of Heywood Farm property

Voted that a public hearing be ordered for April 12, 1937 at 7:30 p. m. regarding the purchase of Heywood Farm property.

Public hearing ordered

Upon recommendation of the Finance and Public Safety Committees it was voted to approve a possible W.P.A. Project at Lake Street Fire Station.

Approval of Lake St. Fire Station W.P.A. Project

Voted that the report of the Public Safety Committee re bus parking be delayed until the report regarding the Traffic Code is received.

Bus Parking

Voted to consider the following matters not listed on the calendar:

Consideration of matters not listed

Hackney Operator Licenses granted

Silas F. Baker  
J. Bradley Foskett  
Joseph H. LeBlanc  
John F. Murray  
George W. Stone  
Alex J. Bujnicki  
Alec Glebo

Hackney Operator Licenses granted

Hackney Licenses granted

Alec Glebo  
Silas F. Baker  
Joseph H. LeBlanc  
John F. Murray  
George W. Stone

Hackney Licenses granted

Voted to grant the Public Welfare Committee more time on the following applications:

A. Feronetti - Sunday License  
Matti H. Luoto - Pool License  
Stanley E. Haley - Peddler's License  
Mrs. Mary J. Holman - Lodging House License  
Edward Casey - Sunday License

More time granted

Voted to grant the Public Safety Committee more time on the following applications:

More time granted

Earl N. Stone - Hackney Operator's License  
Felix Mazolis - " "  
Felix Mazolis - Hackney License  
Arden R. Mank - Hackney Operator's License



Sidewalk referred to Publice Service Committee

Voted to refer a petition for a concrete sidewalk on the north side of Crawford Street, from Mechanic Street to No. 37 Crawford Street, to the Public Service Committee.

Drain near the F. A. Nichols Co. property across the #2 Route

In regard to a drain near the F. A. Nichols Co. property across the #2 Route it was voted that the matter be left to the City Solicitor for a suitable solution.

Stuart Street Playground

Voted to informally request the Mayor to present an order to the Council covering the equipment required for the Stuart Street Playground.

Adjourn

Voted to adjourn at 10:05 o'clock p. m.

A true copy, Attest:

*Benjamin F. Holden*  
Clerk of the City Council

CITY OF GARDNER

April 12, 1937

IN CITY COUNCIL

Special Meeting

Monday evening, April 12, 1937. Special meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Hartshorn.

Rollcall

Rollcall taken--All members present.

Consideration of matter not listed

Voted to consider the matter of drawing jurors, not listed on the calendar:

Jurors

Ernest L. Bolster and Gilbert H. Howe drawn as traverse jurors for Criminal Session of Superior Court to be holden at Worcester, Monday, May 10, 1937.

Public Hearing re purchase of Heywood Farm

The Council then adjourned to the City Hall Auditorium for the public hearing in regard to the purchase of the Heywood Farm by the Gardner Board of Public Works.

Regular order of business

At 8:25 o'clock p. m. the Council returned to the Council Chamber and the regular order of business was taken up.

Appointment laid on the table

The following appointment received from the Mayor and laid on the table:

ALBERT E. DELL

as Member of Board of Retirement

The following orders were unanimously passed on rollcall vote:

## PURCHASE OF FIRE TRUCKS

An order entitled "Appropriation and Loan Order" passed by the City Council on January 4, 1937 and approved by Mayor January 5, 1937. Said order being with reference to the purchase of two (2) new fire trucks is hereby amended by striking out of said order after the word appropriation "that the sum of Six Thousand (\$6,000.00) Dollars be raised in the tax levy for the current year" therefor and inserting in place thereof "that the sum of Twenty-Three Thousand Five Hundred (\$23,500.00) Dollars be raised in the tax levy for the current year" so that order as amended will read:

Whereas an emergency exists with reference to Fire Department equipment which involves the safety of the public or their property, now therefor it is ordered that the sum of Twenty-Three Thousand Five Hundred (\$23,500.00) Dollars be appropriated for the purpose of purchasing two (2) new fire trucks for the Fire Department and that said appropriation be raised in the tax levy for the current year.

Approved April 13, 1937  
James A. Timpany, Mayor

AN ORDER APPROPRIATING MONEY TO THE PARKS  
AND PLAYGROUNDS ACCOUNT

## ORDERED:

That the sum of Nine Hundred Thirty-One Dollars and Twenty-Six (\$931.26) Cents be appropriated to the Parks and Playgrounds Account for the purpose of purchasing equipment for the Ovila Case Playground. Said appropriation to be raised in the tax levy for the current year.

Approved April 13, 1937  
James A. Timpany, Mayor

Licenses to sell frozen desserts, ice cream mix, confectionery, soda water or fruit on the Lord's Day granted

Edward Casey

A. Feronetti

Matti H. Luoto granted a Pool License.

Stanley E. Haley granted a Peddler's License.

Mrs. Mary J. Holman granted a Lodging House License.

Voted to grant the Public Safety Committee more time on the following applications:

|               |                              |
|---------------|------------------------------|
| Earl N. Stone | - Hackney Operator's License |
| Arden R. Mank | - " " "                      |
| Felix Mazolis | - " " "                      |
| " "           | - Hackney License            |

Purchase of  
Fire Trucks

unanimously  
passed on  
rollcall vote

An Order Appro-  
priating Money  
(\$931.26) to the  
Parks and Play-  
grounds Account  
unanimously  
passed on  
rollcall vote

Sunday Licenses  
granted

Pool License

Peddler's License

Lodging House Lic.

More time granted

Auctioneer's Lic.

Martin E. S. Anderholm granted an Auctioneer's License.

Lodging House Lic

Charles Wuorenmaa granted a Lodging House License.

Sunday Licenses granted

Licenses to sell frozen desserts, ice cream mix, confectionery, soda water or fruit on the Lord's Day granted

Wilfred Bourret

Victor Chojnowski

Woods' Spa

Hackney License

Adam A. Pilkovsky granted a Hackney License.

Hackney Op. Lic.

Adam A. Pilkovsky granted a Hackney Operator's License.

Consideration of matters not listed

Voted that all matters, received too late to be listed on the calendar, be taken up for consideration.

Mayor's communication re restoration of the remainder of the wage reduction

Voted to refer to the Finance Committee the communication received from the Mayor in regard to restoration of the remainder of the wage reduction to take effect July 1, 1937.

Petition from Elzear Melanson

Voted to refer to the Public Safety Committee the communication received from Elzear Melanson in regard to driveway restriction.

Petition from Mrs. Ernest Rumery

Voted to refer to the Public Safety Committee the communication received from Mrs. Ernest Rumery in regard to parking on Central Street.

On motion made by Councillor Dewey, seconded by Councillor Greenwood and upon rollcall taken as follows

8 in the affirmative

3 in the negative

Councillor Hartshorn  
" Anderholm  
" Beauregard  
" Dewey  
" Edgell  
" Greenwood  
" Shippee  
" Stiles

Councillor Goguen  
" Palmer  
" Sullivan

the following order was passed:

AN ORDER AUTHORIZING THE PURCHASE OF  
HEYWOOD FARM, INC. AND OTHER LAND AND APPROPRIATING  
MONEY FOR THE SAME

ORDERED:

That the sum of Seventy Thousand Dollars (\$70,000.00) be appropriated for the purpose of acquiring by right of eminent domain or otherwise all the real estate owned by Heywood Farm, Inc. being the same premises described in a mortgage from Heywood Farm, Inc. to the Gardner Savings Bank, dated February 4, 1935, recorded with Worcester District Deeds, Book 2633, Page 61, together with a certain piece of property now owned by Harriet Heywood, situated on the westerly side of Green Street, in Gardner, being the same premises described in a deed from Daniel H. Parker et als. to Harriet G. Heywood, dated April 20, 1935 and recorded with Worcester District

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An Order Author-  
ising the Pur-  
chase of Heywood  
Farm, Inc. and  
other Land and  
Appropriating  
Money for the  
same passed on  
rollcall vote  
8 - affirmative  
3 - negative

Deeds, Book 2640, Page 355, the same being purchased for the protection of the City water system and to meet said appropriation that the sum of Twenty Thousand Dollars (\$20,000.00) be appropriated from the Water Department available surplus and Ten Thousand Dollars (\$10,000.00) from Water Department Land Purchase Account and that the Treasurer, with the approval of the Mayor, be and he hereby is authorized to borrow Forty Thousand Dollars (\$40,000.00) and to issue bonds or notes of the City therefor, payable according to the provisions of Chapter 44 of the General Laws so that the whole loan will be paid in not more than four years or at such earlier date as the treasurer and mayor may determine.

Approved April 13, 1937  
James A. Timpany, Mayor

On an informal motion that all buildings be removed from the Heywood Farm the Council voted in the negative.

Voted to adjourn at 9:20 o'clock p. m.

(Regular meeting April 5, 1937, Page 411)

REPORT OF COMMITTEE RE PROPOSED PURCHASE  
OF PROPERTY KNOWN AS THE HEYWOOD FARM BY  
THE WATER DEPARTMENT OF THE CITY OF GARDNER.

The joint Finance & Public Service Committees appointed by the Council to investigate and report on this proposed purchase of land have endeavored to consider the matter from every possible angle. We have been over the ground thoroughly and conferred at length with the Board of Public Works and representatives of the State Dept. of Health. It appears evident from all of these sources of information that:

1. It is vitally essential that the residents of our City be at all times adequately supplied with good, pure, clean water free from disease carrying germs of any kind.
2. The principal source of our water supply is Crystal Lake, augmented when necessary by water pumped into Crystal Lake from Perley Brook. So far as any of us can visualize into the future this will continue to be the source of water of the City of Gardner for many years to come, providing of course that it is kept suitable for drinking purposes.
3. Crystal Lake is naturally fed by underground springs, and also by surface water running into the lake from its water shed. Both of these sources would furnish absolutely pure clean water unless contaminated by impurities or pollution due to unsanitary conditions caused by activities on its watershed.
4. For many years following the adoption of Crystal Lake as our water supply, periodical tests showed that our water was exceptionally pure, clean and safe without the use of any cleansing or chemical treatment. Several years ago, however, the bacteriological count in our water began to steadily increase due apparently to pollution, until about four years ago it seemed advisable, on recommendation from the State Dept. of Health, to introduce a small amount of liquid chlorine into the water to destroy any disease germs which might be present. The amount of chlorine required to keep the bacteria count down to a safe figure has had to be appreciably increased from time to time during the last few years.
5. About two years ago a very disagreeable form of algae, which is a minute vegetable growth, became prevalent in Crystal Lake, and while this algae is not detrimental to health so far as anyone can determine, still it gives the water an abnoxious taste and an unpleasant odor. This was to a large extent overcome by introducing copper sulphate into the water.

Voted not to  
remove buildings

Adjourn

Report of Committee  
Re Proposed  
Purchase of Prop-  
erty known as the  
Heywood Farm  
by the Water Dept.  
of the City of  
Gardner

6. Both the local and State Boards seem convinced that this bacteria count and the marked increase in vegetable growth or algae during the last few years are due in a large extent to the introduction of increasing amounts of animal and domestic sewerage into the lake. The principal source of this contamination seems to be the Heywood-Farm for several reasons:
- A. There are at present six houses on this property with no facilities for sewerage disposal other than cesspools.
  - B. There are approximately 200 head of cattle on this property.
  - C. There are innumerable underground blind drains on this property all leading directly into the lake.
  - D. The house cesspools are in some instances very close to these drains.
  - E. The farm land is very heavily manured on the surface each year and the natural surface drainage carries the impurities from the manure directly into the lake.
  - F. The soil on this property is very heavy and as a consequence the cesspool water does not easily leach away into the ground. At a result they overflow very frequently and help contaminate the surface drainage flowing into the lake. This also causes the rain water to flow on the surface into the lake accumulating animal and domestic sewerage rather than soak into the ground and purify itself by filtration.

For the above reasons it seems very essential for the proper protection of our water supply to either remove the possibility of these impurities getting into Crystal Lake or else take the necessary steps to destroy them before the water is used for drinking purposes.

Several possible solutions to the problem have been suggested and studied. These are listed below together with the principal arguments for and against.

1. The purchase of the entire Heywood Farm property with the necessary steps then being taken by the Water Department to remove the sources of contamination.

#### ARGUMENTS IN FAVOR.

- A. Would result in all water entering the lake from this drainage area being pure at the source and free from dangerous bacteria.
- B. Would prevent possibility of additional real estate development on this drainage area in the future which would tend to seriously increase the danger as human sewerage is far more likely to contain germ bearing bacteria than is animal sewerage.
- C. Can be purchased by the City at this time for \$70,000 which is appreciably less than the assessed valuation (that being \$74,350).
- D. Purchase can be entirely financed by the Water Dept. through its revenue account. No part of the cost will be paid for thru taxation.

#### ARGUMENTS AGAINST.

- A. Purchase would remove \$70,000 worth of real estate from taxation which would mean a lost of approximately \$2400 per year in revenue.
- B. Would prevent people from building houses on this property which is in a desirable residential location.
- C. No absolute proof as to amount of contamination entering the lake from this area or how much the quality or safety of the water would be improved by purchasing and cleaning it up.
- D. Rumors that proposal to purchase was encouraged thru private motives such as paying off a bank mortgage, relieving the present owner, adding more holes to the golf course, etc. (Might we say that we give no weight whatever to any of these rumors and they have no bearing on our recommendations)

2. The possibility of removing the sources of contamination by purchasing and cleaning up that part of property on the west side of Green Street.

ARGUMENTS IN FAVOR

- A. Would not cost as much as to purchase the entire property.
- B. Would not remove as much property from taxation or possible real estate development.
- C. Would clean up unsanitary condition caused by three houses on west side and prevent further fertilizing of farm land on that side which slopes directly to lake.

ARGUMENTS AGAINST

- A. Due to contour of land on the east side of Green Street and the many underground drains going under the road from the east side to west side, also surface water running across the road, the purchase of only that part on the west side would only partially eliminate the present situation.
  - B. The cost of the West side would be far out of proportion to the cost of the whole property as it would so materially reduce the planting area as to make it impossible to feed a herd of the present size and would, therefore, seriously injure the value of the farm.
  - C. Would still permit present or some future owner to build more houses on East side which would again increase danger of contamination.
3. Constructing a series of large filter beds near the edge of the lake to filter and cleanse the contaminated water before it reaches the lake.

ARGUMENTS FOR

- A. Would save the necessity of purchasing any of the property, except that portion which would be required for these beds and would leave the remainder as taxable property either for its present use or possible future development.

ARGUMENTS AGAINST

- A. It is estimated by competent authorities that at least four large beds of one acre each would have to be built which would cost about \$25,000 to construct, and as much per year to maintain as the city would lose in revenue through taxation if the entire farm were purchased, and even then if they would not handle the volume of surface water during heavy rains, melting snows, or other unusual but rather frequent conditions. Any such overflow would of course run directly into the lake.
  - B. It is doubtful if the State Dept. would approve of such a plan.
  - C. A considerable amount would have to be spent to acquire the land on which these beds would be built. (Actual amount not available.)
  - D. The local and State boards are very much opposed to any plan which permits water to be contaminated at the source, with an effort then being made to cleanse it by mechanical or chemical means as such measures are never positive in their action.
4. Installation of a tight sewer main through the property with proper connections to all houses, cowbarns, etc. and connected to our present municipal sewer system.

ARGUMENTS IN FAVOR

- A. Would save the necessity of purchasing any of the property and would leave it under taxation either for its present use or future development.



ARGUMENTS AGAINST

- A. This plan would only take care of the domestic sewerage and such animal sewerage as come from the barns. It would not eliminate in any degree the contamination of surface drainage into the lake from heavy fertilization or back yard rubbish, etc.
  - B. There is always the danger that a break in the sewer line might develop, which would be very hard to detect but which would let concentration sewerage into one of the present underground drains leading into the lake.
  - C. About 5,000 feet of sewer main would be necessary and furthermore, inasmuch as this land is considerably lower than the grade of the present main, which terminates near the hospital, it would also be necessary to erect and operate an expensive pumping station. The total cost of this plan has been estimated from \$50,000 to \$75,000. The operating cost would be difficult to estimate, as it would depend largely upon the quantity of sewerage handled.
5. Constructing properly working cesspools or septic tanks connected to every house and barn.

ARGUMENTS IN FAVOR

- A. Would save the necessity of purchasing any of the property and would leave it under taxation either for its present use or future development.

ARGUMENTS AGAINST

- A. This plan like No. 4 would only take care of the domestic sewerage and such animal sewerage as came from the barns but would not prevent contamination of surface drainage.
  - B. Cesspools and tanks have been for years in operation on this property but never very successfully due to the nature of the soil, which is heavy and solid and will not permit the accumulation of liquid to filter away. As a consequence they frequently give trouble by overflow directly to the lake.
6. Continuing the increased use of chemicals to kill off the bacteria and algae after they get into the lake.

ARGUMENTS IN FAVOR

- A. Would save the necessity of purchasing any of the property and would leave it under taxation either for its present use or future development.

ARGUMENTS AGAINST

- A. As previously stated the State Dept. of Health very urgently recommends that whenever possible municipalities make every effort to take any action necessary to assist in keeping its water supply clean and pure at the source rather than allowing it to be contaminated and then attempting to kill the disease carrying germs or vegetable growth by the use of chemicals, because in all such cases the people are drinking unclean and impure water even though it may not be injurious to health.
7. The installation of a large filtration plant near the pumping station to filter and chemically treat all the water used by the city.

ARGUMENTS IN FAVOR

- A. Would save the necessity of purchasing any of the property and would leave it under taxation either for its present use or future development.

ARGUMENTS AGAINST

- A. As previously stated the State Dept. very urgently recommends that whenever possible municipalities make every effort to take any action necessary to assist in keeping its water supply clean and pure at

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the source rather than allowing it to be contaminated and then attempting to kill the disease carrying germs or vegetable growth by use of chemicals, because in all such cases the people are drinking unclean and impure water even though it may not be injurious to health.

- B. The installation cost of such a filtration is estimated by approximately \$200,000 and the annual operating and maintenance cost approximately \$5,000 per year.
- 8. Discontinuing the use of Crystal Lake as a water supply and the possibility of securing a suitable and adequate supply elsewhere.

This is altogether too large a proposition to be comprehensively considered in this report. Suffice it to say that the cost would run into many hundreds of thousands of dollars and our City is in no position to give it serious consideration at this time nor will it be for years to come.

#### CONCLUSIONS AND RECOMMENDATIONS

Your committee has attempted to analyze each of the above plans carefully giving due weight to each of the arguments pro and con. We have endeavored to give consideration to the present situation and to the picture as it may present itself in years to come. We believe that every resident of our City is vitally interested in securing and preserving a clean, pure, sanitary supply of water, having as little bacteria or algae growth as it possible.

We also believe every resident will agree that the logical and best way to accomplish this result is to keep the water clean and pure at the source rather than let it get contaminated and impure and then endeavor to remove such part of the impurities as may be detrimental to health by use of artificial means.

Your committee therefore unanimously concurs with the Board of Public Works and the State Dept. of Health in recommending the immediate purchase of the entire property known as the Heywood Farm now owned by George H. Heywood, Jr. and Mrs. George H. Heywood for the sum of \$70,000, said purchase to be financed entirely through the surplus revenue account of the Water Department for the following reasons:

1. This appears to be the only way in which the surface water and underground drainage water from this area can be kept pure at the source.
2. The Board of Public Works has realized the increasing unsanitary condition of this portion of the water-shed for several years, and have been constantly studying every possible method of correcting it, but only until within the past few months have they been able to arrive at a satisfactory purchase price with the present owners, and at the same time feel that the Water Dept. was in position to finance the entire purchase out of their own Water Revenue Account without the necessity of raising any of the money through taxation.
3. The cost of purchasing this property and the resulting annual loss in revenue from taxation compare very favorably with the cost of installing and the annual operating cost of any adequate plan for a tight sewer system or any scheme for purification or filtration of the water coming from the drainage area which even then would not produce the desired results.
4. The State and local Boards are unanimously of the opinion that more impurities and contamination are getting into our water supply from this particular property than from any other section of its entire drainage area, and that the unusual algae or vegetable growth which has caused the unpleasant taste and odor in our water during the past two years is caused to a considerable extent by the heavy fertilization of this land which is washed into the lake. They are also of the firm opinion that the cleaning up of this property will help very materially



in reducing the amount of chemical treatment necessary to absolutely insure our getting safe, odorless, good tasting water in future years.

Respectfully submitted,

Joint Finance & Public  
Service Committees

O. R. Anderholm  
Harry K. Edgell  
Raymond C. Beauregard  
Stanford H. Hartshorn  
Charles R. Dewey

A true copy, Attest:

*Benjamin F. Holden*  
Clerk of the City Council

CITY OF GARDNER

May 3, 1937

IN CITY COUNCIL

Regular meeting

Monday, May 3, 1937. Regular meeting of the City Council held in the Council Chamber, City Hall. Meeting called to order at 7:30 o'clock p. m. by President Hartshorn.

Rollcall

Rollcall taken--All members present.

Records  
approved

Records of regular meeting of April 5 and special meeting of April 12 read and approved.

Appointments  
confirmed

The following appointments received from the Mayor and confirmed:

ALBERT E. DELL as Member of Board of Retirement  
for term expiring July 1, 1940

CLAY E. McKEAN as Police Sergeant

JOSEPH J. RENES as Police Sergeant

Appointment  
laid on the  
table

The following appointment received from the Mayor and laid on the table:

IRA B. KNIGHT as Park Commissioner

Voted to pass the following orders:

An Order  
Amending Item  
#38 in the  
Budget for  
1937  
passed

AN ORDER AMENDING ITEM #38 IN THE

BUDGET FOR 1937

ORDERED:

That Item #38 in the Budget for 1937, being the item for assistance Rendered in the Old Age Assistance Department, be amended by striking out the figures "66,000.00" and in-

**From:** [Trevor Beauregard](#)  
**To:** [John Flick](#)  
**Cc:** [Mayor](#); [Elizabeth Kazinskas](#); [mschafron@comcast.net](mailto:mschafron@comcast.net); [Christine Fucile](#); [Titi Siriphan](#); [Dana Heath](#)  
**Subject:** Legal Determinations for Zoning Amendments  
**Date:** Wednesday, August 23, 2023 12:13:27 PM

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Dear Attorney Flick,

Please be advised that the Planning Board, at its August 23, 2023 meeting, voted unanimously to request two legal determinations from the City Law Department relative to 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 (Green Street). The parcels are identified as M47-22-4 on the south side of the roadway, and a portion of M47-24-1 (that portion west of bike trail parcel M42-20-7 as shown on the City's Assessor's maps) on the north side of the roadway. The total acreage is approximately 177 acres. Please note that no maps or legal descriptions were included in the amendment request. The following is respectfully requested by the Board:

1. A legal determination on whether this zoning amendment would constitute spot zoning; and
2. A legal determination on the status of the land with regard to Article 97 of the amendments to the Constitution of the Commonwealth.

Please feel free to contact me if you have any questions.

Thank you,  
Trevor

Trevor Beauregard  
Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-991-5842

Executive Director  
Gardner Redevelopment Authority

**From:** [Trevor Beauregard](#)  
**To:** [Dana Heath](#)  
**Cc:** [Mayor](#); [Elizabeth Kazinskas](#); [mschafron@comcast.net](mailto:mschafron@comcast.net); [Christine Fucile](#); [Titi Siriphan](#)  
**Subject:** Planning Board meeting attendance - Zoning Amendments  
**Date:** Wednesday, August 23, 2023 9:48:18 AM

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Good morning Councilor Heath,

At their meeting last night, the Planning Board suggested that I reach out to you and request your presence at their next meeting on September 19, 2023, 6:30 p.m. to address questions and comments from the Board regarding the three zoning amendments you've submitted. As the petitioner of the three amendments, your input and feedback would be appreciated prior to the Planning Board making the necessary recommendations to the City Council.

Please confirm your availability at your earliest convenience and feel free to contact me with any questions.

Thank you,  
Trevor

Trevor Beauregard  
Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-991-5842

Executive Director  
Gardner Redevelopment Authority

**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 northerly and southerly 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.

**From:** [Trevor Beauregard](#)  
**To:** [Dana Heath](#)  
**Cc:** [Mayor](#); [Elizabeth Kazinskas](#); [mschafron@comcast.net](mailto:mschafron@comcast.net); [Christine Fucile](#); [Titi Siriphan](#)  
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Director  
Dept. Community Development and Planning  
115 Pleasant Street  
Gardner, MA 01440  
978-991-5842

Executive Director  
Gardner Redevelopment Authority

**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.

**From:** [Trevor Beauregard](#)  
**To:** [Dana Heath](#)  
**Cc:** [Mayor](#); [Elizabeth Kazinskas](#); [mschafron@comcast.net](mailto:mschafron@comcast.net); [Christine Fucile](#); [Titi Siriphan](#)  
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Thank you,  
Trevor

Trevor Beauregard  
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Dept. Community Development and Planning  
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Executive Director  
Gardner Redevelopment Authority

**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, 128A and 128C, as the same may be amended from time to time, to conduct sporting and sports wagering events, including but not limited to horse racing and simulcast wagering, 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.