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Aleksander Dernalowicz, Esq.

April 1, 2021

PUBLIC WELFARE COMMITTEE MEETING

Date: Tuesday, April 6, 2021
Time: 4:00 p.m.
Location: Remotely via Zoom/Broadcast on Gardner YouTube Channel*

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Chair, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

- I. Review and Approval of the December 11, 2020 Meeting Minutes.
- II. A proposal by Councillor Scott Graves to An Ordinance to Amend the Code of the City of Gardner, Chapter 675, Section 530, Entitled "Development Overlay District 1" to add a subsection "H" as follows:

H. The following areas have been designated by the City Council as Development Overlay District I. The terms and/or conditions not consistent with the general language of this Chapter 675, Section 530, if any, are referenced within the listing of the specific property to which such terms and/or conditions relate): [and then each property (with any terms and conditions - like 525 Parker Street's) that has obtained Development Overlay District I designation will be listed, and the list will be continuously updated, in accordance with law].

- III. Other Business.
- IV. Adjournment

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

CITY COUNCIL OF GARDNER

Aleksander Dermalowicz

Aleksander Dermalowicz, Esq.
Chairman, Public Welfare Committee

****Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Public Welfare Committee will be conducted via remote participation and broadcast live on the City's YouTube Channel. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.***

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PUBLIC WELFARE COMMITTEE
MINUTES OF THE MEETING OF DECEMBER 11, 2020

Councillor Aleksander Dernalowicz, Chairman of the Public Welfare Committee, called the meeting to order at 11:00 a.m. via Zoom. Committee member Councillor Scott Graves was present. The Chairman announced that Councillor James Boone would not be in attendance as he was advised that he has a conflict of interest.

Also present via Zoom were Community Development & Planning Director Trevor Beauregard and City Clerk Alan Agnelli.

**Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Public Welfare Committee will be conducted via remote participation and broadcast live on the City's YouTube Channel. The audio recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.*

Minutes of Prior Meetings

On a motion by Councillor Scott Joseph Graves and seconded by Chairman Dernalowicz, it was voted to accept the September 3, 2020 Meeting Minutes, as printed.

#10305, A Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1 (In City Council and Referred to Public Welfare, 8/3/2020).

Mr. Beauregard informed the Committee that at the recent Planning Board meeting, discussion was limited and the Board's Final Report/Recommendation was outlined in its letter to the City Council.

Chairman Dernalowicz read aloud a synopsis of the history of the proposed Petition.

Councillor Graves stated that he watched the November 24, 2020 Planning Board meeting and did not find anything in the proponent's materials that indicated that the developer is seeking to construct 4-story buildings. He said that it is his understanding that the buildings will be 3-story complexes.

Mr. Beauregard stated that he was unaware of any plan to construct 4-story buildings.

Councillor Graves said, "It mattered to Bob Swartz," and "if the neighborhood doesn't want a massive building, then one floor may matter."

Councillor Graves stated that it is his understanding that the Council is being asked to renew the description of the original Council vote by amending the language of the overlay.

Mr. Beauregard said that the petitioner is seeking to amend the vote to allow multi-family housing from the original 3-4 unit condo authorization. He read the Council's 2006 authorizing vote.

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Councillor Graves asked where, in the Code, could he find the Zoning Amendment.

Mr. Beauregard responded, saying that the City Code allows the City Council to approve a Development Overlay District.

Councillor Graves asked if the Planning Board has the Ordinance. “Where in the Code book is this?” he questioned. He added that the Planning Board recommended “to not approve” the amendment [to the Petition].

Mr. Beauregard said that a change is being sought to that which was approved in 2006, which allow s3-4 unit condos.

Chairman Dernalowicz cited subsection (2) under *Scope of Authority* of Section 675-30 -“Any use permitted by right or special permit in the underlying districts, as provided for by this chapter, shall continue to be permitted in addition to all other uses permitted by the Development Overlay District 1.”

Councillor Graves stated that it is not a renewal – nothing has lapsed, so it is not a renewal. He then noted that the Planning Board had the same information at its meeting on August 17 when the Board voted 4 to 1 in favor of recommending the amendment. “Now,” he said, “the Planning Board unanimously recommended to not do the project.”

Mr. Beauregard stated that he would look at the Board’s new letter that explains its decision process.

Councillor Graves noted that some neighbors do not want the project next to their houses, that there was a traffic study, but, “We don’t know why the Planning Board changed its mind.” He added that the project would have to go through a Site Plan Review process, a Special Permitting process, as well as through the Conservation Commission’s processes.

Continuing, Councillor Graves said that the project should be allowed as it will provide housing for young people and professional people, that it is a nice location, and that it would add to the tax base. He said to let the project begin and rely on the City’s experts.

Councillor Graves moved to recommend that the City Council amend the designation of property at 525 Parker Street as a Development Overlay District 1, as provided under Section 675-530 of the Zoning Ordinance, to include use as a multi-family dwelling development.

Councillor Dernalowicz seconded the motion.

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On the motion, Councillor Dernalowicz noted that it is only a conceptual design and the proposal will be reviewed by the Planning Board through the various permitting processes.

On the motion, on call of the roll, it was voted to recommend that the City Council amend the designation of property at 525 Parker Street as a Development Overlay District 1, as provided under Section 675-530 of the Zoning Ordinance, to include use as a multi-family dwelling development.

Adjournment

On a motion by Councillor Scott Joseph Graves and seconded by Chairman Dernalowicz, it was voted to adjourn at 11:36 a.m.

UNACCEPTED/UNCORRECTED PROOF

§ 675-530. Development Overlay District 1.

- A. Purpose. The purpose of this district is to increase redevelopment options consistent with City-wide growth and development policies within economically stressed areas zoned Industrial 1 and/or Commercial 1 by providing for additional uses as a matter of right or special permit and altering dimensional requirements.
- B. Scope of authority.
 - (1) The Development Overlay District 1 may be applied over some or all existing parcels that are zoned Industrial 1 and/or Commercial 1; it may not be applied over any other zoning district.
 - (2) Any use permitted by right or special permit in the underlying districts, as provided for by this chapter, shall continue to be permitted in addition to all other uses permitted by the Development Overlay District 1.
- C. Designation of Development Overlay District 1.
 - (1) The City Council retains sole authority to designate an area as Development Overlay District 1. Such designation is limited to areas zoned Industrial 1 and Commercial 1 that clearly exhibit the impacts of economic stress. Criteria for measuring economic stress include vacancy rates, incidences of arson, declining property values, Building Code violations, property tax delinquencies and inclusion in ongoing revitalization efforts.
 - (2) The Planning Board shall make a recommendation to the City Council on a proposed designation of a Development Overlay District 1 in accordance with the provisions of MGL c. 40A, § 5, only after consultations with relevant agencies and a public hearing. The request for designation shall contain a report of finding.
- D. Additional uses.
 - (1) Properties zoned Industrial 1 and designated a Development Overlay District 1 shall be permitted the following uses as a matter of right:
 - (a) Library, museum, art gallery or civic center.
 - (b) Country or tennis club, lodge building or other nonprofit social, civic, conservation or recreational use.

- (c) Professional office and retail store.
 - (d) Indoor amusement or recreation place of assembly, provided that the building is so insulated and maintained as to confine noise to the premises.
 - (e) Commercial clubs and/or recreational establishments such as swimming pools, tennis courts, ski clubs, camping areas, skating rinks or other commercial facilities offering outdoor recreation.
- (2) Properties zoned Industrial 1 and designated a Development Overlay District 1 shall be permitted the following uses under a special permit by the Planning Board as provided in § 675-1170, Special permits:
- (a) Three- or four-family dwelling, multifamily dwelling and mixed use.
 - (b) Eat-in restaurant serving food or beverages.
 - (c) Eat-in restaurant serving food or beverages with live or mechanical entertainment.

E. Dimensional requirements.

- (1) Any new structure, substantial improvement or alternative to an existing structure involving more than 50% of that structure's gross floor area shall be subject to the following:
- (a) Minimum lot size: 5,000 square feet.
 - (b) Minimum frontage: none. However, recorded documentation of legal access to the property shall be required.
 - (c) Front yard setback: none.
 - (d) Side yard setback: 10 feet, or none if abuts commercial or industrial use.
 - (e) Rear yard setback: 20 feet.
 - (f) Maximum building height: five stories or 60 feet.
 - (g) Maximum lot coverage shall not exceed 85%.
- (2) Improvements or alterations to an existing structure involving less than 50% of that structure's gross floor area shall not be subject to dimensional requirements, except that the minimum lot size shall not be less than 5,000 square feet

and the structure shall not expand in terms of percentage of lot coverage.

- F. Parking requirements. Off-street parking shall be provided according to the schedule of parking uses, § 675-750, except as follows:

Parking Requirements: Development Overlay District 1	
Use	Parking Spaces Required
Retail store	1 space per 250 square feet gross floor area
Business or professional office	1 space per 300 square feet gross floor area
Restaurant, lodge or club, or other place of assembly	1 space per 4 seats
Library, museum, art gallery or civic center	2 spaces per 1,000 square feet gross floor area
Three-, four-family and multifamily dwelling units	1 space per dwelling for units not exceeding 1 bedroom. 2 spaces per dwelling for units with two or more bedrooms
Mixed use	Sum of various uses computed separately

- G. Site plan review. The site plan review and approval provisions of § 675-1010, Site plan review, shall apply to the following types of structures and uses in a Development Overlay District 1:

- (1) Any new structure or group of new structures under the same ownership on the same or contiguous lots that consists of 2,500 square feet or more of gross floor area.
- (2) Any improvement, alteration, or change in use which results in an increase of 2,500 square feet or more of gross floor area.