



City of Gardner, Massachusetts
Office of the City Council

CALENDAR FOR THE MEETING

of

MONDAY, OCTOBER 19, 2020

REMOTELY*

7:30 P.M.

RECEIVED

2020 OCT 15 PM 4:42

CITY CLERK'S OFFICE
GARDNER, MA

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)
Reading and Approval of the Minutes of Prior Meetings.
- VII. PUBLIC HEARINGS
- VIII. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

10344—A Measure Confirming the Mayor's Appointment of Susan Avallone to the position of Member, Board of Health, for term expiring September 28, 2023 (*Finance Committee*).

10345—A Measure Confirming the Mayor's Appointment of Geoffrey Tobia to the position of Member, Board of Health, for term expiring September 28, 2021 (*Reappointment*).

10346—A Measure Confirming the Mayor's Appointment of David Antaya to the position of Alternate Member, Zoning Board of Appeals, for term expiring October 1, 2022 (*Reappointment*).

10347—A Measure Confirming the Mayor's Appointment of Randall Heglin to the position of Member, Zoning Board of Appeals, for term expiring October 1, 2021 (*Reappointment*).

10348—A Measure Confirming the Mayor's Appointment of Raymond Lafond to the position of Member, Zoning Board of Appeals, for term expiring October 1, 2023 (*Reappointment*).

VIII. COMMUNICATIONS FROM THE MAYOR

APPOINTMENTS

10349–A Measure Confirming the Mayor’s Appointment of Celia Jornet to the position of City Assessor for term expiring October 7, 2023 (*Finance Committee*).

ORDERS

10350–An Order Appropriating \$40,000.00 from Free Cash to Fire Department New Vehicle (*Finance Committee*).

10351–An Order Appropriating \$9,975.00 from Free Cash to DPW Repairs and Maintenance (*Finance Committee*).

10352–An Order Appropriating \$16,950.00 from Free Cash to DPW Professional Services (*Finance Committee*).

10353–An Order Appropriating \$16,950.00 from Free Cash to Landfill Professional Fees (*Finance Committee*).

10354–An Order Appropriating \$7,197.87 from Free Cash to City Hall Repairs & Maintenance (*Finance Committee*).

10355–An Order Appropriating \$105,813.06 from Free Cash to Stabilization Account (*Finance Committee*).

IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.

10356–A Petition by National Grid and Verizon New England, Inc. to relocate one (1) JO Pole on Pearl Street beginning at a point approx. 295’ west of the centerline of the intersection of Pearl Street and Smith Street and continuing approx. 30’ in a northerly direction. Relocating P36 for UG Service for new elementary school (*Public Service Committee*).

X. REPORTS OF STANDING COMMITTEES

PUBLIC SAFETY COMMITTEE

10331–A Communication from the Traffic Commission relative to Nutting Street Parking (*In City Council and Referred to Public Safety Committee, 9/8/2020*).

PUBLIC WELFARE COMMITTEE

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 Committee, 8/3/2020*).

FINANCE COMMITTEE

10326– An Order Appropriating \$75,000.00 from Free Cash to Pool Filtration System (*In City Council and Referred to Finance, 9/8/2020*).

X. REPORTS OF STANDING COMMITTEES

COMMITTEE OF THE WHOLE

10342—A Measure Declaring Surplus for Purpose of Disposition a parcel of land off Woodland Avenue (Parcel R27-2-8B) *(In City Council and Referred to Committee of the Whole, 10/5/2020).*

10343—A Measure Authorizing the Mayor to lift the Deed Restrictions to land deeded to Henry Heywood Hospital recorded on March 26, 1998 *(In City Council and Referred to Committee of the Whole, 10/5/2020).*

XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION

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 Planning Board for Recommendation, 8/3/2020; Planning Board Recommendation Received, 9/8/2020; Joint Public Hearing held and suspended, 10/5/2020; Hearing continued to a date to be determined).*

10327—An Ordinance to Amend the Code of the City of Gardner by adding a New Chapter 565, to be Entitled “Stormwater Management.” *(Calendar #10328 “Illicit Connections and Discharges to the Storm Drain System” consolidated with #10327) (In City Council and Referred to Public Service Committee, 9/8/2020; Discharged from Committee and Referred to Committee of the Whole, 10/5/2020; Ordered to First Printing, 10/14/2020).*

XII. NEW BUSINESS

XIII. CLOSING PRAYER

XIV. ADJOURNMENT

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

**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 Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8, and on the City’s YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City’s website as soon as possible after the meeting.*

10344

RECEIVED

September 28, 2020

2020 OCT -1 PM 4: 1

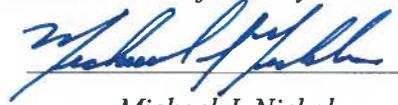
Commonwealth of Massachusetts

CITY CLERK'S OFFICE
Worcester County
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Susan Avallone to the position of Member, Board of Health and I certify
61 Carlson Lane, Gardner, MA 01440
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
Alan L. Agnelli

Expires: September 28, 2023

Worcester, ss., _____

Then personally appeared the above named Susan Avallone and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Board of Health
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 _____

RECEIVED

September 28, 2020

2020 OCT -1 PM 4:11

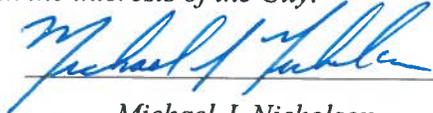
Commonwealth of Massachusetts

Worcester County
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Geoffrey Tobia to the position of Member, Board of Health and I certify
47 Parker Street, Gardner, MA 01440
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
Alan L. Agnelli

Expires: September 28, 2021

Worcester, ss., _____

Then personally appeared the above named Geoffrey Tobia and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Board of Health
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 _____

RECEIVED

October 2, 2020

2020 OCT -2 AM 11: 51

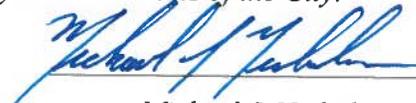
Commonwealth of Massachusetts

Worcester County
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint David Antaya to the position of Alternate Member, Zoning Board of Appeals, and I certify
444 Stone Street, Gardner, MA
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
Alan L. Agnelli

Expires: October 1, 2022

Worcester, ss., _____

Then personally appeared the above named David Antaya and made oath that he/she
would faithfully and impartially perform the duties of the office of Alternate Member, Zoning
Board of Appeals 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 _____

10347

RECEIVED

October 2, 2020

2020 OCT -2 AM 11: 51

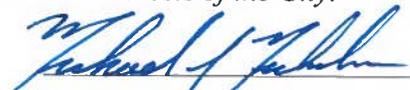
Commonwealth of Massachusetts

CITY CLERK'S OFFICE
Worcester County
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Randall Heglin to the position of Member, Zoning Board of Appeals, and I certify
97 Chapman Park, Gardner, MA
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.



Michael J. Nicholson
Mayor

Confirmed by City Council _____

Alan L. Agnelli
City Clerk

Expires: October 1, 2021

Worcester, ss., _____

Then personally appeared the above named Randall Heglin and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Zoning Board of
Appeals 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 _____

10348

RECEIVED

October 2, 2020

2020 OCT -2 AM 11:51

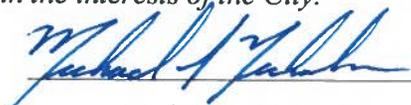
Commonwealth of Massachusetts

CITY CLERK'S OFFICE
Worcester County
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint Raymond Lafond to the position of Member, Zoning Board of Appeals, and I certify
333 Betty Spring Road, Gardner, MA
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.



Michael J. Nicholson Mayor

Confirmed by City Council _____

Alan L. Agnelli City Clerk

Expires: October 1, 2023

Worcester, ss., _____

Then personally appeared the above named Raymond Lafond and made oath that he/she
would faithfully and impartially perform the duties of the office of Member, Zoning Board of
Appeals 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 _____

10349

October 7, 2020

RECEIVED

2020 OCT -7 PM 4:34

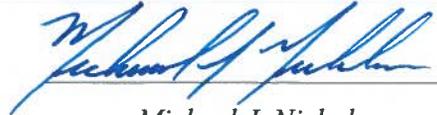
Commonwealth of Massachusetts

Worcester County
CITY CLERK'S OFFICE
GARDNER, MA

City of Gardner

CERTIFICATE OF APPOINTMENT

I appoint **Celia Jornet** to the position of **City Assessor** and I 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.



Mayor
Michael J. Nicholson

Confirmed by City Council _____

City Clerk
Alan L. Agnelli

Expires October 7, 2023

Worcester, ss., _____ 2020

Then personally appeared the above named **Celia Jornet**, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the City of Gardner for the years ensuing, made oath that she would truly and impartially, according to her best skill and judgment, assess and apportion all such taxes as she may during that time assess; that she would neither overvalue nor undervalue any property subject to taxation, and would faithfully perform all the duties of said office.

Before me,

City Clerk

Chapter 303 Acts of 1975
and
Chapter 409 Acts of 1983

Received _____

Celia A. Jornet

Home:

Cell:

10349

July 22, 2020

Debra A Pond
Director of Human Resources
City of Gardner
95 Pleasant St Room 14
Gardner, MA 01440

Dear Ms. Pond:

I am responding to your posting on the MMA site for the position of **City Assessor** with the city of Gardner. I am very interested in this position and am forwarding to you my resume for your consideration.

For the past five years, I have been employed by the Town of Littleton as the Assistant Assessor. I am responsible for the daily administrative functions of the office, including Motor Vehicle Abatements, Statutory Exemptions, map updates and lot splits, tracking New Growth, mailings of FOL, Chapter Land and 3ABC forms, and Abutters Lists. I am also responsible for doing permit inspections, including residential new construction, as well as sales inspections. I have experience in Microsoft Office Suite, Munis and Softright financial software, as well as Patriot Assesspro CAMA, State CAMA and Vision Appraisal assessing software. I pride myself in providing outstanding customer service both on the phone and in person. I am a self-starter who strives to succeed in every position I have held. I feel that my background makes me an excellent candidate for this position. I was awarded my MAA designation in October 2013.

After moving around the US for 13 years, my husband retired from the United States Marine Corps in 2004 and accepted a teaching position at Monty Tech in Fitchburg, which is how we came to make Massachusetts our new permanent home. After being laid off in March 2007 due to the slowdown in the housing market, I was excited to start a new career in the field of assessing.

At your earliest convenience I would like to meet with you to discuss your personnel needs and how I might contribute to the Assessor's Office. I can be reached on my cell at [redacted] or at my home number [redacted]. Thank you in advance for your time and consideration and I look forward to hearing from you.

Sincerely,

Celia A. Jornet, MAA

Celia A. Jornet, MAA

Home:

Cell:

SUMMARY

Experienced in Patriot Assesspro, State CAMA, Vision, Munis, Softright, Microsoft Excel, Word and Outlook;

MA Notary Public

Strong administrative, customer service and supervisory skills

Detailed oriented and analytical

Self-motivated, team player, reliable and committed to professional practices

SKILLS & ABILITIES

Clerical/ Administrative

- ❖ Process Chapter land applications; calculate rollback as needed
- ❖ Input monthly deeds, building permits and CO's
- ❖ Submit mappings updates annually to vendor
- ❖ Process departmental invoices & assist with budget
- ❖ Maintained departmental spreadsheets for supplemental tax bills, new growth, abatements and exemptions

Customer Service

- ❖ Respond to taxpayer inquiries in a timely manner
- ❖ Assist Seniors/Veterans in completing statutory exemption forms
- ❖ Met with Seniors at COA to discuss exemptions available
- ❖ Performed closings after bank hours or on Saturday to meet the needs of the members

Supervisory

- ❖ Supervised staff of 5-10 employees
- ❖ Generated production reports for senior management
- ❖ Performed annual reviews and set goals for coming year
- ❖ Reported payroll and commissions
- ❖ Scheduled installation of and trained staff on new software

Technical

- ❖ Enter CPA surcharge and Property Tax exemptions in Gateway
- ❖ Upload Motor Vehicle Commitments
- ❖ Sketch new homes, perform building permit and sales inspections; perform database maintenance as needed

WORK HISTORY

<i>Town of Littleton, Littleton, MA</i>	<i>Assistant Assessor</i>	<i>2015-present</i>
<i>Town of Ayer; Ayer, MA</i>	<i>Assessing Department Assistant</i>	<i>2011-2015</i>
<i>Town of Harvard; Harvard, MA</i>	<i>Assistant Assessor</i>	<i>2008-2011</i>
<i>IC Federal CU; Fitchburg, MA</i>	<i>Production Office Manager</i>	<i>2005-2007</i>
<i>Emerson Lending; Acton, MA</i>	<i>Mortgage Processor</i>	<i>2004-2005</i>

EDUCATION/TRAINING

BBA Marketing-Iona College; New Rochelle, NY

AAS Buying/Merchandising-SUNY/Fashion Institute of Technology; NY, NY

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO FIRE
DEPARTMENT NEW VEHICLE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of forty thousand dollars and no cents
(\$40,000.00) from Free Cash to the Fire Department New Vehicle Account.

City of Gardner, *Executive Department*

RECEIVED



Michael J. Nicholson, Mayor

2020 OCT -9 AM 9:23

CITY CLERK'S OFFICE
GARDNER, MA

October 9, 2020

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

RE: Free Cash Appropriation Request for Fire Dept Vehicle

Dear President Kazinskas and Councilors,

Attached, please find a request for Free Cash appropriation for the purchase of a new vehicle for the Fire Department.

Thank you for your attention to this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

Mayor

From: Greg Lagoy
Sent: Wednesday, October 7, 2020 3:37 PM
To: Mayor
Subject: Fire Department Vehicle Request
Attachments: Tahoe Quote.pdf

Mr. Mayor,

I would like to submit the following request to you for one (1) new Fire Department staff vehicle to replace the accident damaged 2010 Ford Expedition.

This vehicle ran as "Car 2" (Shift Commander's vehicle) for 10 years and was recently replaced by a 2020 Chevrolet Tahoe. We were planning on re-assigning the Expedition to "Car 6" as a utility vehicle, mostly used by new recruit Firefighters commuting to the Mass Fire Academy Recruit Training Program. The vehicle was damaged in an accident in late 2019, with a local body shop estimate of \$5625.20 damage. Also noted at the time of this estimate was significant corrosion, with an estimate of at least another \$3000.00 to repair, a figure that could easily increase if additional internal corrosion is found. I understand the City has received an insurance settlement of \$2597.70 for the accident damage.

After consulting with Fire Department mechanics, my opinion is repairing this vehicle would not be a good decision for the City. Repair costs for known existing problems total more than the vehicle's value. It has seen heavy use during the 10 years it served as the Shift Commander's vehicle and is worn out.

I am requesting \$40,000.00 to purchase and equip a new 2020 Chevrolet Tahoe SSV (Special Service Vehicle) 4x4. Attached is the quote from Gordon Chevrolet DBA Colonial Municipal Group for \$37,728.70, which includes the trade-in of the 2010 Ford Expedition and two other surplus Fire Department vehicles (2003 Dodge Ram pickup and 2004 Chevrolet Tahoe). Pricing is under the "VEH98" State -bid contract. The additional money requested is for installation of emergency lighting, radios, and command module. In order to keep the cost down, existing equipment in good working order will be transferred from other vehicles. This vehicle is in stock and available for immediate delivery, and is one of the last 2020 model year vehicles available. It will be assigned as "Car 1" (Fire Chief's vehicle), the current Car 1 (2015 Ford Interceptor SUV, 60,000 miles, good condition) will be re-assigned as the utility vehicle "Car 6."

If you have any questions, feel free to contact me.

Respectfully,
Chief Lagoy

Acting Chief Gregory F. Lagoy
Gardner Fire Department
978-632-1616 ext. 5
glagoy@gardner-ma.gov

Alan Agnelli

From: Mayor
Sent: Tuesday, October 13, 2020 3:57 PM
To: Elizabeth Kazinskas
Cc: Ronald F. Cormier; James M. Walsh; Alan Agnelli
Subject: FW: Report on Surplus Fire Department Vehicles

Madam President,

Chief Lagoy asked me to forward you the below information regarding his request for a free cash appropriation listed as 2-2 on tomorrow's finance committee meeting.

Best,

Mike

Michael J Nicholson
Mayor, City of Gardner
95 Pleasant Street, Room 125
Gardner, MA 01440
(O) 978-630-1490

From: Greg Lagoy <glagoy@gardner-ma.gov>
Sent: Tuesday, October 13, 2020 3:53 PM
To: Mayor <Mayor@gardner-ma.gov>
Subject: Report on Surplus Fire Department Vehicles

Mr. Mayor,

Below is additional information on the condition of the three(3) Fire Department vehicles that are proposed to be traded in with the purchase of a new staff vehicle. This information was provided by Fire Department mechanics after evaluating the condition of each vehicle.

1. 2010 Ford Expedition "Car 2" 87,793 miles.
 - Accident damage to passenger side front and rear doors
 - Accident damage to passenger side "B" post
 - Major rust on driver and passenger side rocker panels
 - Needs new tires and rims all around
 - Needs brakes all around
 - High beam lights inoperable
2. 2003 Dodge Ram 1500 pickup truck "Truck 4" 100,435 miles.
 - Major rust on frame, bed, and rocker panels
 - Check engine light on (fuel/vapor recovery system)
 - Hood struts bad
 - Needs tires all around
 - Reverse lights inoperable
3. 2004 Chevrolet Tahoe "Car 6" 138,990 miles.
 - Major rust on frame, body, and rocker panels
 - Four wheel drive transfer case inoperable

10350

- ABS module defective
- Horn inoperable

These three vehicles have served the City well for years, and are at the end of their useful life. The Fire Department has stopped using them on a daily basis due to their poor condition. In my opinion, trading them in towards the purchase of the new vehicle would be the best option for disposing of them.

Respectfully,
Chief Lagoy

Acting Chief Gregory F. Lagoy
Gardner Fire Department
978-632-1616 ext. 5
glagoy@gardner-ma.gov

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO
DPW REPAIRS AND MAINTENANCE ACCOUNT.

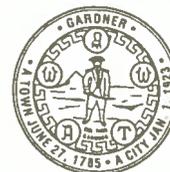
ORDERED:

That there be and is hereby appropriated the sum of Nine Thousand Nine Hundred
Seventy-Five Dollars and No Cents (\$9,975.00) from Free Cash to the DPW Repairs and
Maintenance Account.

10351

City of Gardner, *Executive Department*

RECEIVED



Michael J. Nicholson, Mayor

2020 OCT -9 AM 9:23

CITY CLERK'S OFFICE
GARDNER, MA

October 9, 2020

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

RE: Free Cash Appropriation Request for DPW Repairs and Maintenance Acct.

Dear President Kazinskas and Councilors,

Attached, please find a request for Free Cash appropriation for the DPW Repairs and Maintenance Account. This is being requested due to the unexpected cost associated with removing a large public shade oak tree that fell on a resident's house during a recent storm.

Thank you for your attention to this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

10351



**Department of Public Works
CITY OF GARDNER**

Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029

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

October 5, 2020

Dear Mayor Nicholson:

The Department of Public Works is requesting **\$9,975** from available funds to Department of Public Works **Repairs and Maintenance Account (14421-52030)** to pay for an emergency tree removal.

There was a storm event in early August that blew a City Tree onto a resident's home on Abbott Street. In an emergency, the City had to hire a company to provide a crane to remove the tree and the total fee was \$9,975 (invoice attached).



If you have any questions regarding this matter please do not hesitate to call.

Sincerely,

Dane E. Arnold, Director

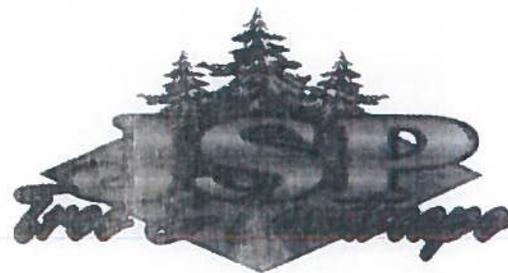
Pc: Finance Committee
Public Service Committee
John Richard, City Auditor

7192

10351

J. Shivo Properties, LLC
601 Fitchburg State Road
Ashby, MA 01431
(978)297-7622
caiyan@jsplandscaping.com
www.jsplandscaping.com

Invoice



BILL TO
City of Gardner

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
2788	08/08/2020	\$9,975.00	08/15/2020	Net 7 Days	

DATE	DESCRIPTION	QTY	RATE	AMOUNT
08/06/2020	Emergency tree removal at 21 Abbott Street, Gardner MA	1	9,975.00	9,975.00
	BALANCE DUE			\$9,975.00

POWK
52030 9,975.00

21-14
10/1/20

POW

10352

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO
DPW PROFESSIONAL SERVICES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Sixteen Thousand Nine
Hundred Fifty Dollars and No Cents (\$16,950.00) from Free Cash to the DPW
Professional Services Account.

City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

RECEIVED

2020 OCT -9 AM 9: 23

CITY CLERK'S OFFICE
GARDNER, MA



October 9, 2020

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

RE: Free Cash Appropriation Requests for Tub Grinder

Dear President Kazinskas and Councilors,

Attached, please find a request for Free Cash appropriation for the hiring of a tub grinder service to grind down the pile of tree debris that has collected at the transfer station.

The last time this service was done was when Mr. Bernard Sullivan was the Director of Public Health, and the pile of debris has grown significantly since then.

The cost of this service is being split between the Department of Public Works and the Health Department.

Thank you for your attention to this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

10352-10353



**Department of Public Works
CITY OF GARDNER**

Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029

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

October 5, 2020

Dear Mayor Nicholson:

The Department of Public Works is requesting **\$16,950** from available funds for the rental of a **Tub Grinder**.

Located at the Transfer Station is an area the City deposits large City Trees and residents bring brush. After several years a large collection of debris has accumulated at the Transfer Station. In the past, the Board of Health has rented a Tub Grinder to grind this debris up and it was paid for out of the Sanitary Landfill Account. Given that much of the material to be ground up is large City Trees, the feeling is the City should at least split the cost of the Tub Grinder rental with the Landfill.

Lauren Saunders, at the Board of Health has solicited several quotes and the lowest total rental fee is \$33,900.

If you have any questions regarding this matter please do not hesitate to call.

Sincerely,

Dane E. Arnold, Director

Pc: Finance Committee
Public Service Committee
John Richard, City Auditor
Lauren Saunders, Board of Health Director

10353

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO
LANDFILL PROFESSIONAL FEES ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Sixteen Thousand Nine Hundred
Fifty Dollars and no cents (\$16,950.00) from Free Cash to the Landfill Professional Fees
Account.

City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

RECEIVED

2020 OCT -9 AM 9:23

CITY CLERK'S OFFICE
GARDNER, MA



October 9, 2020

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

RE: Free Cash Appropriation Requests for Tub Grinder

Dear President Kazinskas and Councilors,

Attached, please find a request for Free Cash appropriation for the hiring of a tub grinder service to grind down the pile of tree debris that has collected at the transfer station.

The last time this service was done was when Mr. Bernard Sullivan was the Director of Public Health, and the pile of debris has grown significantly since then.

The cost of this service is being split between the Department of Public Works and the Health Department.

Thank you for your attention to this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner



**Department of Public Works
CITY OF GARDNER**

Dane E. Arnold, Director
416 West Broadway
Gardner, MA 01440-2687
Telephone (978) 632-7661
Fax (978) 630-4029

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

October 5, 2020

Dear Mayor Nicholson:

The Department of Public Works is requesting **\$16,950** from available funds for the rental of a **Tub Grinder**.

Located at the Transfer Station is an area the City deposits large City Trees and residents bring brush. After several years a large collection of debris has accumulated at the Transfer Station. In the past, the Board of Health has rented a Tub Grinder to grind this debris up and it was paid for out of the Sanitary Landfill Account. Given that much of the material to be ground up is large City Trees, the feeling is the City should at least split the cost of the Tub Grinder rental with the Landfill.

Lauren Saunders, at the Board of Health has solicited several quotes and the lowest total rental fee is \$33,900.

If you have any questions regarding this matter please do not hesitate to call.

Sincerely,

Dane E. Arnold, Director

Pc: Finance Committee
Public Service Committee
John Richard, City Auditor
Lauren Saunders, Board of Health Director

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO CITY HALL REPAIRS AND MAINTENANCE ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Seven Thousand One Hundred Ninety Seven Dollars and Eighty Seven Cents (\$7,197.87) from Free Cash to City Hall Repairs and Maintenance Account.

10354

City of Gardner, *Executive Department*

RECEIVED



Michael J. Nicholson, Mayor

2020 OCT -9 AM 10:45

CITY CLERK'S OFFICE
GARDNER, MA

October 9, 2020

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

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

Dear President Kazinskas and Councilors,

Attached, please find a request for Free Cash appropriation for the City Hall Repairs and Maintenance Account. In early July, a pipe had burst in City Hall. This pipe was the main water supply line for the building and its emergency repair was done by Royal Steam.

This expense was not already allocated for in the operating budget and this request is being put forth to cover the expense of this repair so that the budgeted line item can be used for its initial intended purpose.

Thank you for your attention to this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

10354

Mayor

From: Roland Jean
Sent: Friday, October 9, 2020 10:12 AM
To: Mayor
Cc: Kristina Singer
Subject: Request for Funding

Mayor,

Below are the invoices we had to pay with regard to the emergency work done at City Hall for the water supply.

W21-09 Royal Steam \$6553.21

W21-12 Royal Steam \$644.66

I am requesting that line item 11192-52030 be reimbursed in the amount of \$7197.87

Stay Safe!,

Roland Jean C.B.O.
Building Commissioner
Zoning Enforcement Officer
City of Gardner, MA 01440
(978) 630-4007
rjean@gardner-ma.gov

/ 0355

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO
STABILIZATION ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of One Hundred Five Thousand Eight
Hundred Thirteen Dollars and Six Cents (\$105,813.06) from Free Cash to the Stabilization
Account.

10355

City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

RECEIVED

2020 OCT -9 AM 10:45

CITY CLERK'S OFFICE
GARDNER, MA



October 9, 2020

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

RE: Free Cash Appropriation Request for Stabilization Account

Dear President Kazinskas and Councilors,

Attached, please find a request for Free Cash appropriation for the Stabilization Account.

After speaking with the City Auditor's Office and representatives from the Department of Revenue, we were informed that in order to have our FY2020 Free Cash certified, we need to complete our FY2019 Free Cash expenditures.

Our existing financial policies state that a request for ten percent (10%) of free cash be appropriated into the Stabilization Account when free cash is initially certified. This is something that the City has done and is something that I plan to request of the City Council when our FY2020 Free Cash is certified. However, given the current revenue uncertainty with the COVID-19 Pandemic, I believe it to be financially prudent to appropriate the remainder of our FY2019 Free Cash into the Stabilization Account.

Our revenue for the current fiscal year is in a stable and comfortable position for the budget that was adopted for FY2021. However, several state officials have raised concerns about revenue trends for FY2022. This request is being done to help us be proactive and have a solution in place should our future revenues be negatively impacted by the pandemic.

Thank you for your consideration of this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

Alan Agnelli

From: John Richard
Sent: Wednesday, October 14, 2020 11:29 AM
To: James M. Walsh
Cc: Elizabeth Kazinskas; Ronald F. Cormier; Mayor; Alan Agnelli
Subject: RE: Stabilization Accounts

Hi Jim

Here you go.

Org	Object	Description	2021 Actual
70100	32944	CITY STABILIZATION TRUST	\$2,665,373.65
70100	32986	SPECIAL PURPOSE STAB FUND	\$101,936.84
70100	32985	OPEB STABILIZATION TRUST	\$98,305.98
70100	32978	ASSESSORS STABILIZATION FUND	\$89,242.52

If you need anything else let me know.

John Richard
City Auditor

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

-----Original Message-----

From: James M. Walsh <jwalsh@gardner-ma.gov>
Sent: Wednesday, October 14, 2020 11:19 AM
To: John Richard <jrichard@gardner-ma.gov>
Cc: Elizabeth Kazinskas <ekazinskas@gardner-ma.gov>; Ronald F. Cormier <railon@aol.com>; Mayor <Mayor@gardner-ma.gov>; Alan Agnelli <aagnelli@gardner-ma.gov>
Subject: Stabilization Accounts

Hello John
Can you provide the current status/balances of our stabilization account(s)?
Thanks
Jim Walsh

10356

RECEIVED

Questions contact – Robert Williams 774-437-9206

2020 OCT 15 AM 10: 27

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

CITY CLERK'S OFFICE
GARDNER, MA

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:

Pearl St - National Grid to relocate 1 JO Pole on Pearl St beginning at a point approximately 295 feet west of the centerline of the intersection of Pearl St and Smith St and continuing approximately 30 feet in a north direction. Relocating P36 for UG service of new elementary school.

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 – Pearl St - Gardner - Massachusetts.

No. 29551036 September 16, 2020

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.

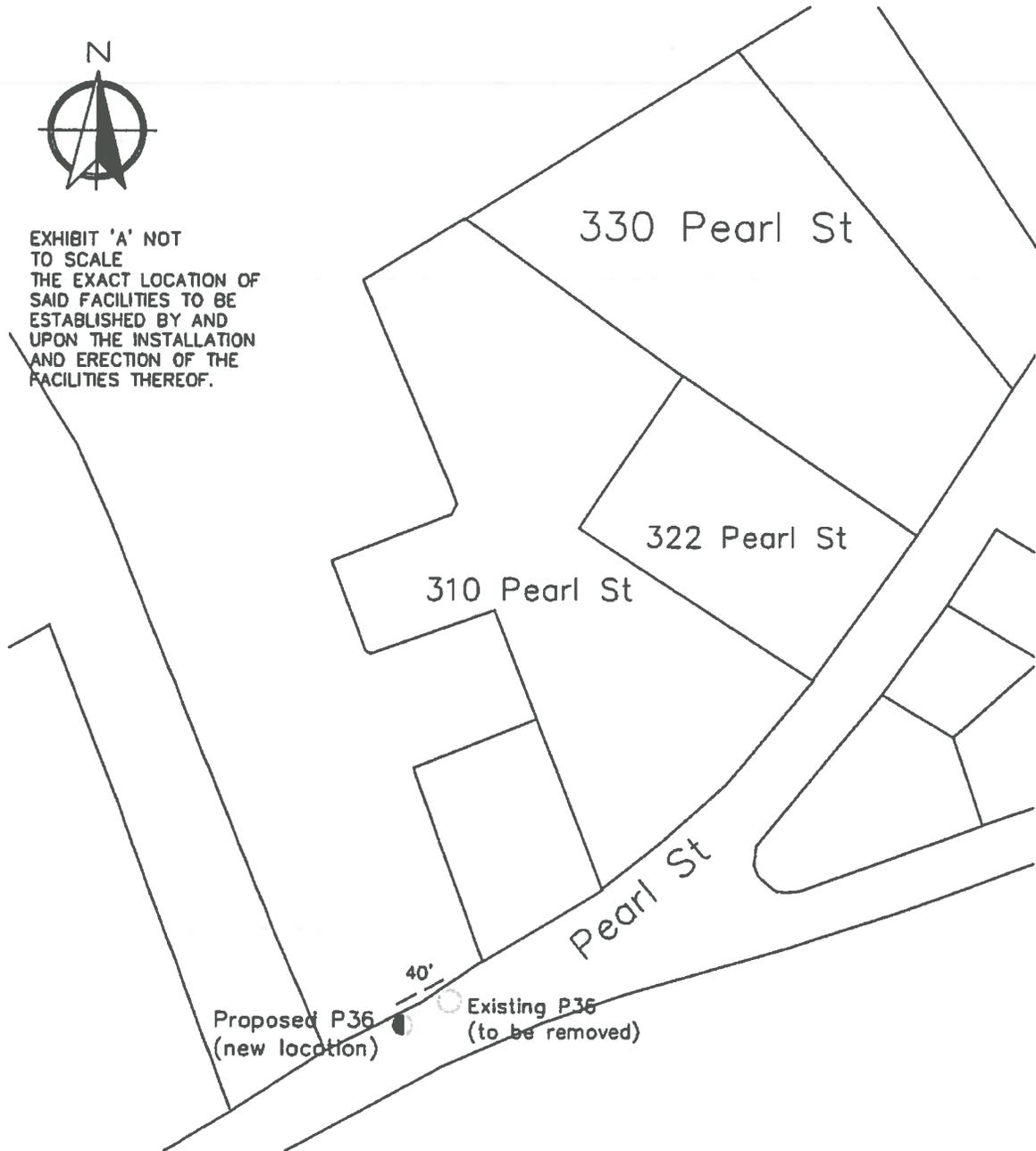
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a National Grid
BY _____ *Pat Cody* _____
Engineering Department

VERIZON NEW ENGLAND, INC.
BY _____
Manager / Right of Way



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.



LEGEND

- Existing JO Pole
- Proposed JO Pole

Petition Sketch

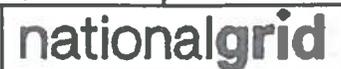
268 Pearl St

Gardner, MA

Date 7/28/20

Designer: WLLR6

WR: 29551036



10331



RECEIVED CITY OF GARDNER POLICE DEPARTMENT

200 Main Street, Suite 214
Gardner, Massachusetts 01440

Phone: (978) 632-5600
Fax: (978) 630-4027



2020 AUG -5 PM 2:46

James F. Trifiro Jr.
Deputy Chief of Police
Email: JTrifiro@gardner-ma.gov

CLERK'S OFFICE
GARDNER, MA

August 5th, 2020

Gardner City Council Members,

On March 10th, 2020 on behalf of the members of the Traffic Commission I submitted a letter to the council recommending the following ordinance amendment in Gardner City Code:

600-24/Parking prohibited on certain streets – Nutting Street/Both Sides/Entire Length

This recommendation was based on the facts that according to Gardner City Code(s) 567-8/Specifications, in combination with 600-21/General Prohibitions, roadways shall have a width of not less than 28 feet and parking of a motor vehicle should leave a clear and unobstructed lane at least 10 feet wide for passing traffic. Given that the configuration of Nutting Street has a two way traffic pattern, and designated parking spots are required to be 8 feet wide it would be most relevant to have 28 feet in roadway width to meet the Gardner City Code(s) specifications and sanction roadway (one side) parking. A survey of Nutting Street had been conducted and it was discovered that the width of the roadway ranged from approximately 21 feet in width near the vicinity of the Prospect Street intersection, funneling to a span of approximately 29 feet in width near the vicinity of the Union Street intersection. In addition, the span identified as being approximately 29 feet in width only extended for approximately 50 feet from the intersection and this dimension combined with the fact that motor vehicles are not permitted to park within 20 feet of an intersection (Gardner City Code 600-21) significantly restricted the availability of sanctioned roadside parking down to approximately 30 feet. In summary, our analysis showed that the bulk of Nutting Street predominantly did not appear to have the approved conditions permissible for roadside parking and was considered under width according to Gardner City Code.

On May 4th, 2020 I met via a Zoom Meeting with the members of the Public Safety Committee and presented the Traffic Commissions recommendation to prohibit parking on Nutting Street which was supported by tangible facts, validated measurements and opinions for potential safety concerns within the area. In response of the communication within this meeting the members of the Public Safety Committee voted to return the recommended ordinance amendment in Gardner City Code back to Traffic Commission for further public comment.

On July 17th, 2020 at the quarterly Traffic Commission Meeting this topic along with direction from the Public Safety Committee was brought forward to the commission members for discussion. During our conversation the responsibilities of the Traffic Commission were deliberated and after examining the duties as defined in Gardner City Code 275-3, all members of the commission agreed that a survey for further public comment regarding recommendations on City Code amendments were not a function within the Traffic Commissions scope of assignments. As a result of the dialogue, with no disrespect intended to the Public Safety Committee the members of the Traffic Commission unanimous decided to stand affirmative on their recommendation relying within the facts as originally presented. As a result of this conference we would like to recommend (re-submit) the following ordinance amendment in Gardner City Code:

600-24/Parking prohibited on certain streets – Nutting Street/Both Sides/Entire Length

In summary and on behalf of the Traffic Commission, we believe that this change meets the guidelines as documented in roadway guidance by Gardner City Code, acts in the best interest of public safety and would formally address any parking concerns generated from citizens in the area.

Your favorable consideration in our recommendation would be greatly appreciated.



James F. Trifiro Jr.
Deputy Chief of Police
City of Gardner Police Department

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 600 THEREOF, ENTITLED "VEHICLES AND TRAFFIC."

Be it ordained by the City Council of the City of Gardner as follows:

Section 1. Section 600-24 of Chapter 600, Vehicles and Traffic, Parking Prohibited on certain streets, is amended by adding the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Nutting Street	Both	Entire length

Section 2. This Ordinance shall take effect upon passage and publication as required by law.



CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY CLERK

10305
RECEIVED

2020 SEP 15 PM 12:00

CITY CLERK'S OFFICE
GARDNER, MA

CITY OF GARDNER
NOTICE OF JOINT PUBLIC HEARING
DEVELOPMENT OVERLAY DISTRICT DESIGNATION

Pursuant to G.L. c. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing on Monday, October 5, 2020 at 6:00 P.M.** to consider designating 2 parcels of land at 525 Parker Street as a Development Overlay District 1. The Hearing will be held via Zoom and broadcast on the City of Gardner YouTube Channel. Interested parties desiring to offer testimony are encouraged to submit their comments in writing and e-mailed to the City Clerk at aagnelli@gardner-ma.gov or mailed to **City Clerk, 95 Pleasant Street, Room 121, Gardner, MA 01440**. Parties desiring to address their comments via Zoom are required to pre-register in advance of the hearing by contacting the City Clerk by e-mail. The proposed Amendment is available for viewing on the City Council's webpage – www.gardner-ma.gov/324/City-Council under **Informational Documents**.

ALAN L. AGNELLI
CITY CLERK



10305
RECEIVED

2020 JUL 14 PM 1:22

CITY CLERK'S OFFICE
GARDNER, MA

July 13, 2020

Elizabeth J. Kazinskas, Council President
City Council
95 Pleasant Street
Room 121
Gardner, MA 01440

Via: Hand Delivery

Ref.: Parker Place
525 Parker Place
Development Overlay District 1
Gardner, Massachusetts

Dear Council President and Members:

On behalf of Traven Development LLC., McCarty Engineering, Inc. (MEI) is hereby requesting that under section 675-530 of the City of Gardner Zoning Ordinance that the designation of the Development Overlay District 1, that was voted into action on April 18, 2006 and approved by Mayor Gerald E. St. Hilaire on April 19, 2006 continue to apply to the property situated at 525 Parker Street. Associated with this designation we are also hereby requesting that the approved use be amended from three- and four-unit condominiums to multi-unit residential buildings.

525 Parker Street consists of two parcels totaling approximately 16.2 acres±. The properties are depicted on the City of Gardner Assessors Maps as parcels M22-1-6 and M22-6-27 both of which are zoned Industrial 1 and are configured such that they have frontage along Parker Street, Water Street and Parker Pond.

This parcel is the former location of one of Gardner's premier furniture manufactures Gem Industries who specialized in the creation of dormitory furniture. The factory and parking areas were situated to the interior portions of the site while the perimeter was marked with undulating topography and wetland systems. In the early 2000s the factory was demolished and the site has remained vacant.

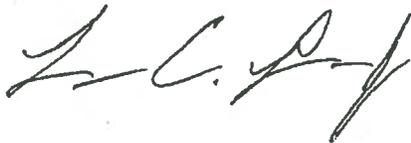
In harmony with the previously approved project and the City-wide growth and development policies, the applicant proposes to redevelop this parcel and construct three multi-family residential buildings, totaling 123 units.

The site has been configured such that the main access into the site will be off of Parker Street with an emergency access provided off of Water Street. The parking lots have been located within the interior of the site with the buildings positioned alongside the edge of the parking. This configuration allows for the buildings to buffer the parking areas to the abutting residences. Linked to this properties' revitalization, an extensive landscape plan is proposed which will aid in accenting the building architecture, complimenting the natural elements while also providing buffering and screening. A traffic-assessment memorandum has been submitted with this cover letter detailing the potential impact this project would have on the surrounding area.

This request to amend the Overlay district is the first step in the permitting process. This project will require the filing for a Special Permit and Site Plan Review from the Planning Board and a Notice of Intent with the local Conservation Commission and DEP.

We feel this proposed development is consistent with the intent of the Development Overlay District 1 and we look forward to working with City Council on this matter. If you have any questions or comments, please feel free to contact our office.

Sincerely,



Lar Greene, RLA

P:\MEI\223-Olson\City Council\Docs\Revised Development 1 Overlay Requestletter.docx

10305

MEMORANDUM

93 Stiles Road, Suite 201, Salem, New Hampshire 03079 USA
800 Turnpike Street, Suite 300, North Andover, Massachusetts 01845 USA
Phone (603) 212-9133 and Fax (603) 226-4108
Email tepp@teppllc.com and Web www.teppllc.com

Ref: 1505
Subject: Traffic Assessment
Parker Estates Apartment Development
Gardner, Massachusetts
From: Kim Eric Hazarvartian, Ph.D., P.E., PTOE
Principal
Date: July 7, 2020



INTRODUCTION

TEPP LLC to prepare this traffic-assessment memorandum (TAM) regarding the proposed Parker Estates apartment development in the City of Gardner, Massachusetts.

This TAM concludes that:

- relevant sight distances for the Parker Street/proposed driveway intersection provide for greater than the Parker Street speed limit
- the project is anticipated to have no significant impact on area traffic operations
- further traffic-impact analysis is not warranted

PROJECT DESCRIPTION

The existing site:

- has an area of about 706,849 square feet
- was previously developed as an industrial use
- fronts on the north side of Parker Street
- has residential development to the north and east
- has Parker Pond and a railroad to the west

The project:

- provides a total of 123 dwelling units in three three-story buildings
- includes a proposed driveway intersecting the north side of Parker Street about 700 feet (ft) west of Rock Street



- includes a proposed emergency-access driveway intersecting the west side of Water Street about 180 ft south of the end of the street

PARKER STREET

Parker Street:

- functions as arterial street
- connects the City central business district, to the east, and the Town of Templeton, to the west
- is under the jurisdiction of the City and is signed as Massachusetts Route 101

Parker Street near the site:

- is oriented about east-west
- has a tangent horizontal alignment
- includes a minor westbound downgrade
- has a marked travelway with one lane per direction
- has curb and sidewalk on the south side
- has asphaltic-cement-concrete pavement in poor-to-fair condition
- includes utility poles on the west side, some with luminaires
- provides access for residential development
- underpasses a railroad about 300 ft west of the proposed driveway location

WATER STREET

Water Street:

- functions as local street
- is oriented roughly north-south
- extends from Branch Street, to the south, to the end of the street, to the south, a length of about 650 ft
- is under the jurisdiction of the City

Water Street near the site:



- has tangent alignment that includes a turn about 140 ft south of the proposed driveway location
- included minor grades
- has an unmarked travelway providing one lane per direction
- has curb and sidewalk on the east side
- has asphaltic-cement-concrete pavement in fair-to-good condition
- includes utility poles on the north side, some with luminaires
- provides access for residential development

SIGHT DISTANCES

The American Association of State Highway and Transportation Officials (AASHTO) has established authoritative policy for sight distances at unsignalized intersections in terms of:

- stopping sight distance (SSD)
- optional intersection sight distance (ISD)

SSD:

- provides for safety
- enables a driver, on the major road, to perceive and react accordingly to a vehicle entering the major road from a minor road
- is conservative because it encompasses a wide range of brake-reaction times and deceleration rates¹

Optional ISD:

- is ordinarily greater than SSD and may enhance traffic operations
- is not required for safety²

Table 1 shows relevant available sight distances for the Parker Street/proposed driveway intersection. Stopping sight distances are available for greater than the Parker Street speed limit.

¹ AASHTO, *A Policy on Geometric Design of Highways and Streets*, 6th Edition (Washington, DC, 2011), pages 3-2 to 3-6.

² AASHTO, pages 9-28 to 9-29.

Table 1. Sight distances for Parker Street/proposed driveway intersection.

Movement and View	Available Sight Distance (ft) ^a	Speeds (mph)		
		Limit	SSD	ISD
Movement—Left Turns from Proposed Driveway				
View—To and from Parker Street East Leg	700	30	50+	50+
View—To and from Parker Street West Leg	700	30	50+	50+
Movement—Right Turns from Proposed Driveway				
View—To and from Parker Street East Leg	700	30	50+	50+
Movement—Left Turns from Parker Street				
View—To and from Parker Street East Leg	700	30	50+	50+

^a From field assessment on June 30, 2020.

For the Water Street/proposed emergency-access driveway intersection, sight distances extend from the horizontal turn, to the south, and the end of street, to the north.

TRIP GENERATION

The Institute of Transportation Engineers (ITE) publishes trip-generation information in the authoritative *Trip Generation Manual*.³ This information is based on empirical data for a variety of land uses including multifamily housing (mid-rise), land use 221, based on dwelling units⁴

Table 2 shows calculated weekday vehicle-trips for the proposed 123-dwelling-unit development as:

Table 2. Calculated weekday vehicle-trip generation.

Time Period and Direction	Vehicle-Trips ^a		
	Total	In	Out
Daily	669	334	335
AM-Street-Peak Hour	42	11	31
PM-Street-Peak Hour	54	33	21

^a Based on ITE, multifamily housing (mid-rise), land use 221, 123 dwelling units.

³ ITE, *Trip Generation Manual*, 10th Edition (Washington DC, September 2017).

⁴ ITE, *Trip Generation Manual*, Volume 2, Data, Residential (Land Uses 200-299), pages 71 to 149.

- daily, 669 (total of in and out)
- AM-street-peak hour, 42 (11 in and 31 out)
- PM-street-peak hour, 54 (33 in and 21 out)

POTENTIAL TRAFFIC IMPACTS

ITE suggests that land developments generating at least 100 peak-hour vehicle trips, in the busier direction, are candidates for consideration of traffic impact analysis.⁵ Tabulated peak-hour trip generation due to the proposed redevelopment is well below this national ITE threshold.

The proposed redevelopment is calculated to generate 42 to 54 vehicle-trips during tabulated peak hours, split:

- in versus out of the site
- along Parker Street to and from the east
- along Parker Street to and from the west

This represents averages of about:

- 10 to 14 vehicles per hour per direction on Parker Street east or west of the site
- 1 vehicle per 4 to 6 minutes per direction on Parker Street east or west of the site

On this basis, the proposed development is anticipated to have no significant impact on area traffic operations.

CONCLUSION

This TAM concludes that:

- relevant sight distances for the Parker Street/proposed driveway intersection provide for greater than the Parker Street speed limit
- the project is anticipated to have no significant impact on area traffic operations
- further traffic-impact analysis is not warranted

⁵ ITE, *Manual of Transportation Engineering Studies* (Prentice Hall: Englewood Cliffs, New Jersey, 2000), page 144.

NOT FOR CONSTRUCTION
 THE PURPOSES OF OBTAINING STATE AND LOCAL PERMITS AND ARE NOT CONSTRUCTION DOCUMENTS.

NO.	DATE	REVISIONS



Drawn By: *[Signature]*
 Checked By: *[Signature]*
 Date: 7/18/00

McCarty Engineering, Inc.
 Civil Engineers
 41 South Road, Lanesboro, MA 01453
 Phone: (978) 351-1318 Fax: (978) 354-6977
 www.mccartyeng.com

Parker Estates
 Gardner, MA
 Proposed Development Plan

Sheet No. **1**
 Date: July 11, 2000
 Scale: 1"=40'



LOCUS PLAN
 1"=1,000 FT ±

- NOTES:**
- EXISTING CONDITIONS INFORMATION SHOWN WAS RECEIVED FROM MATTHEW ENGINEERING, INC. DATED NOVEMBER 14, 2000.
 - THE WETLANDS WERE DELINEATED BY ECOTEC, INC. ON OCTOBER 20, 2000. THESE WERE FIELD LOCATED BY HANEGAN & ASSOCIATES, INC. ON OCTOBER 20, 2000.
 - PORTIONS OF THIS PLAN ARE LOCATED WITHIN THE LIMITS OF THE 100-YEAR FLOODPLAIN BASED ON A REVIEW OF THE BASES OF ONLINE DATA AVAILABLE. NO WORK IS PROPOSED WITHIN THE FLOODPLAIN.

ZONING OVERLAYS/SETBACKS

REQUIREMENTS	REQUIREMENTS	COMMENTS
MIN. LOT COVERAGE: 30%	MIN. LOT COVERAGE: 30%	Y
MIN. SIDE YARD: 10 FT.	MIN. SIDE YARD: 10 FT.	Y
MIN. REAR YARD: 20 FT.	MIN. REAR YARD: 20 FT.	Y
MIN. FRONT YARD: 50 FT.	MIN. FRONT YARD: 50 FT.	Y
MIN. HEIGHT: 35 FT.	MIN. HEIGHT: 35 FT.	Y
OPEN SPACE: 15%	OPEN SPACE: 15%	Y

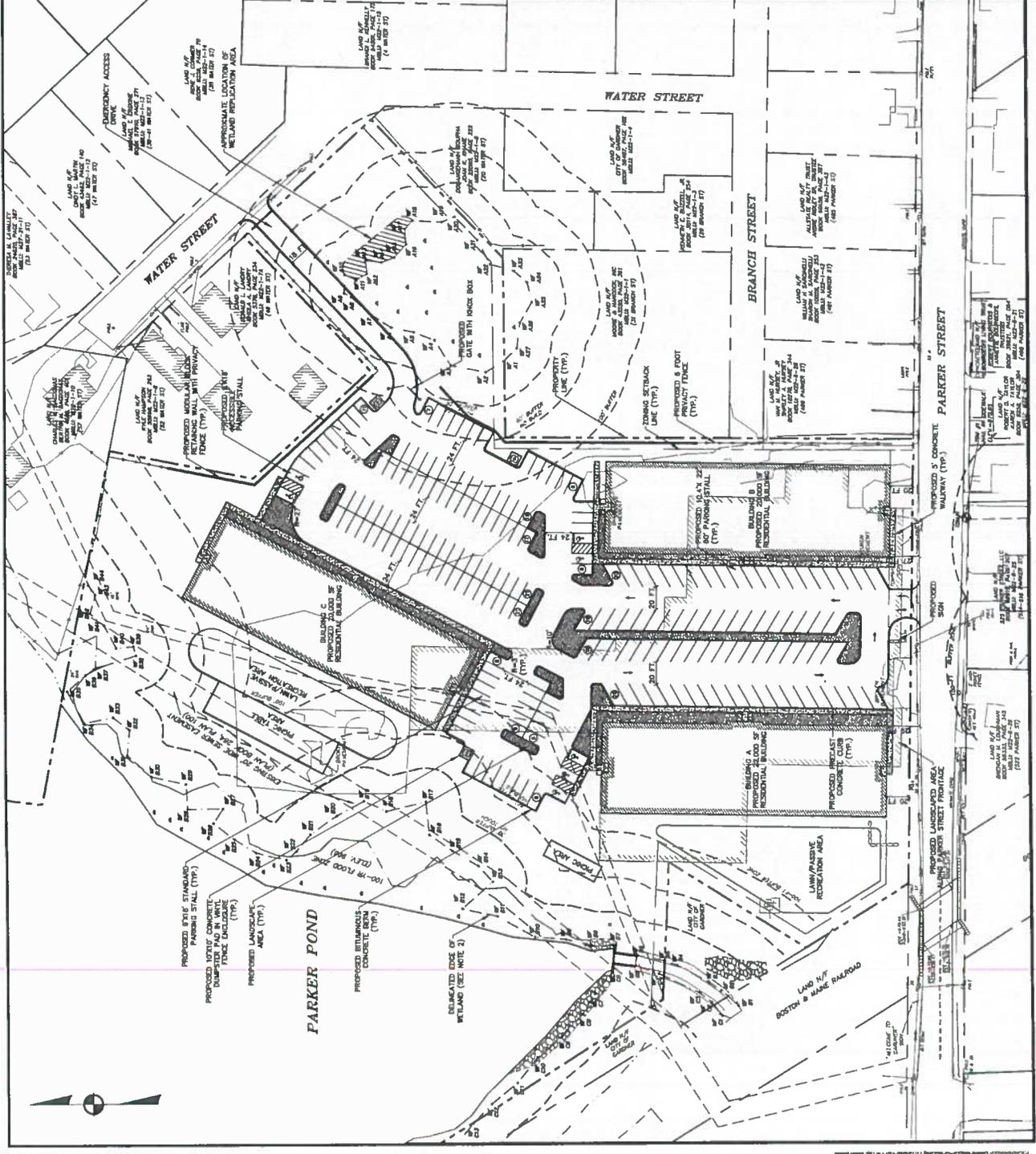
WIND SECTION PERIOD OF THE ZONING BYLAW THIS PROJECT WILL REQUIRE A SPECIAL PERMIT BY THE CITY OF GARDNER PLANNING BOARD.
 *MAX LOT COVERAGE WITHIN THE USABLE AREA IS 31%.
 *TOTAL AREA OF PAVEMENT IS NOT INCLUDED IN THIS CALCULATION.

CARDING SUMMARY:

REQUIREMENTS:
 RESIDENTIAL: 2 SPACES/UNIT
 RESIDENTIAL: 1 SPACES/UNIT

PROPOSED:
 RESIDENTIAL: 40 2 BEDROOM UNITS
 RESIDENTIAL: 33 1 BEDROOM UNITS
 RESIDENTIAL: 90 UNITS X 2 SP/UNIT = 180 SPACES
 RESIDENTIAL: 33 UNITS X 1 SP/UNIT = 33 SPACES
PARKING PROVIDED: 213 SPACES

TOTAL ACCESSIBLE REQUIRED: 7 SPACES
ACCESSIBLE PARKING PROVIDED: 7 SPACES



CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

Manca Annex, 115 Pleasant Street, Room 201 Gardner, Massachusetts 01440

Phone: (978) 630-4014 ◊ Fax: (978) 632-1905 ◊ CDBG (978) 632-3800



August 24, 2020

President Elizabeth J. Kazinskas
C/o Alan Agnelli, City Clerk
City Hall
95 Pleasant Street
Gardner, MA 01440

RECEIVED
2020 AUG 25 AM 11:08
CITY CLERK'S OFFICE
GARDNER, MA

Subject: Amendment to Development Overlay District 1 ~ 525 Parker Street

Dear President Kazinskas:

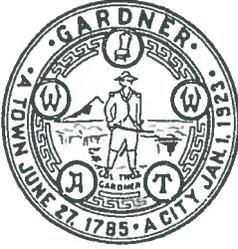
At the Planning Board meeting held on Monday, August 17, 2020, the Planning Board voted 4-1 to recommend approval of the amendment to Development Overlay District 1 referenced above. The parcel is zoned industrial, has long been vacant, and is surrounded by residential uses, therefore, the amendment will prove beneficial for future development of area by encouraging the change in use.

The Planning Board looks forward to joining the City Council at a joint public hearing scheduled at its earliest convenience. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

Trevor M. Beauregard
Director, Community Development and Planning

10305



**CITY OF GARDNER
MASSACHUSETTS
CITY CLERK**

95 PLEASANT STREET, ROOM 121
GARDNER, MA 01440-2630
TEL 978-630-4058

ALAN L. AGNELLI
City Clerk
Registrar of Voters

JOHN A. OLIVARI
Assistant City Clerk
FAITH A. GLOVER
Assistant City Clerk

August 10, 2020

Mark M. Schafron, Chairman
Gardner Planning Board
City Hall Annex, Room 201
115 Pleasant Street
Gardner, MA 01440

Re: Renewed Petition by Traven Development LLC to renew the designation
of two (2) parcels at 525 Parker Street as a Development Overlay District 1

Dear Mr. Schafron:

Pursuant to G.L. Chapter 40A, § 5, the City Council voted to transmit to the Planning Board for review and report the enclosed renewed Petition by Traven Development LLC to renew the designation of two (2) parcels at 525 Parker Street as a Development Overlay District 1.

Should you have any questions, please feel free to contact me.

Very truly yours,

ALAN L. AGNELLI
City Clerk

Enclosures (2)

10326

AN ORDER APPROPRIATING A SUM OF MONEY FROM FREE CASH TO
POOL FILTRATION SYSTEM ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Seventy-Five Thousand
Dollars and No Cents (\$75,000.00) from Free Cash to the Pool Filtration System
Account:

10326

City of Gardner, *Executive Department*
RECEIVED



Michael J. Nicholson, Mayor

2020 AUG 27 PM 4:26

CITY CLERK'S OFFICE
GARDNER, MA

August 27, 2020

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

RE: Free Cash to Pool Filtration System Account

Dear President Kazinskas and Councilors,

Attached, please find a request for appropriation from Free Cash for \$75,000.00.

This appropriation is being requested in order to replace the current filtration system at the Greenwood outdoor pool. The current filter is over 30 years old and is in rough condition.

The objective is to have it repaired before the cold weather sets in, with the hopes of having it ready for next year's seasonal operation.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner



City of Gardner
Human Resources Department
95 Pleasant Street Rm. 14
Gardner, MA 01440
(978) 630-4001 • (978) 630-4025

Debra A. Pond, Director of Human Resources

August 27, 2020

Michael Nicholson, Mayor
City of Gardner
95 Pleasant Street
Gardner, MA 01440

SUBJECT: Greenwood Pool Filtration System

Dear Mayor Nicholson:

I am respectfully requesting an appropriation in the amount of \$75,000.00 for a new filtration system for the Greenwood outdoor pool facility. The current filtration system is over thirty (30) years old and springing leaks. We will make it through this season, but it will not survive another season. The proposal is to install the new system after the pool closes for the season and before the snow falls so that we will have a turnkey operation in the early summer.

We have a proposal for a Whitten 1U-2C-90 Two-Cell Pressure Sand Filter in the amount of \$42,500.00. This is the cost of the filtration system delivered to the site. It does not include:

- Offloading or placement in the filter building;
- Installation by a mechanical contractor/commercial pool contractor; or
- Engineering consultation for preparation of system changes for presentation to the Board of Health.

The estimated cost for these items are included in the appropriation request. Thank you for your consideration. If you have any questions, please contact me.

Sincerely,

Debra A. Pond
Director of Human Resources

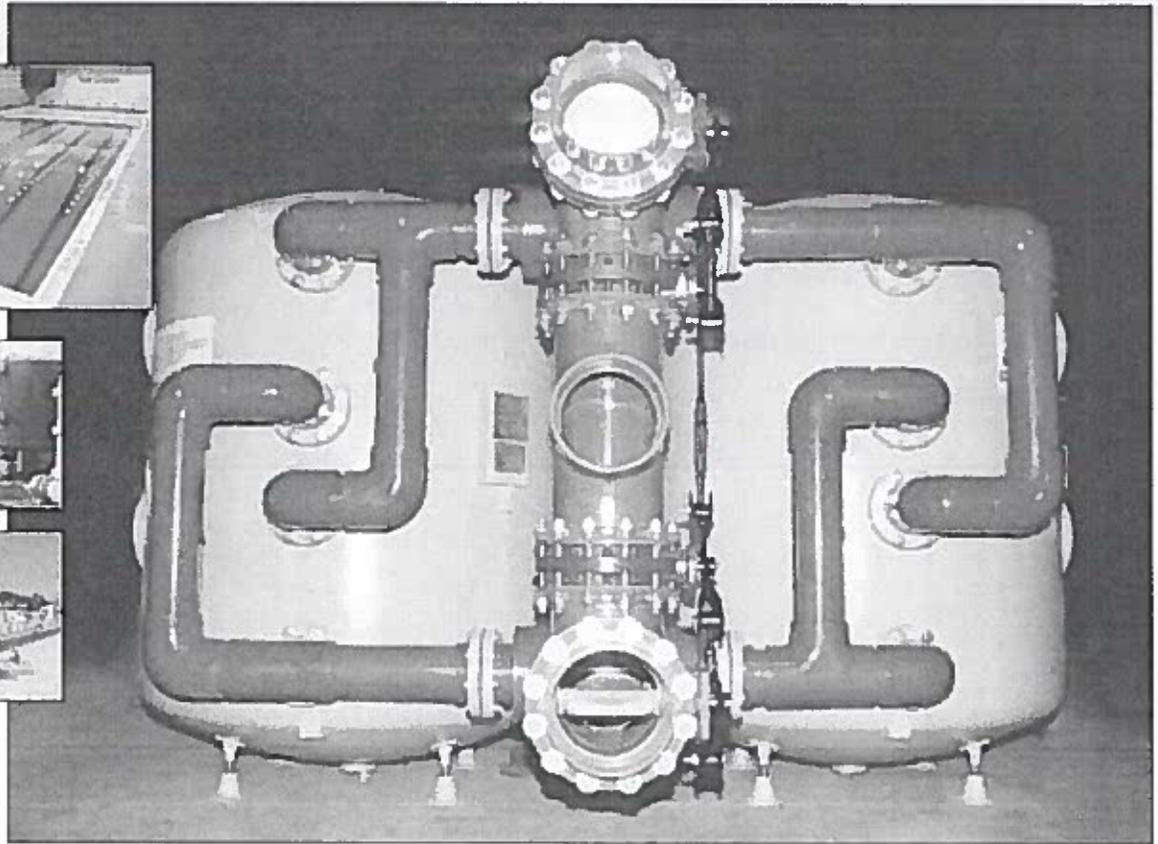
Enclosure



WHITTEN

ADG
EQUIPMENT
SYSTEMS

An Aquatic Development Group Company
Quality Pool Products for Over 30 Years



Pressure Multi-Cell Filtration System

Whitten pressure sand filters are NSF listed for flows up to 20 GPM per sq.ft. of filter area. Whitten Multi-Cells offer unique space savings which is achieved by stacking multiple filter cells within a single tank.

High quality tank materials for all models are selected based on specific application. Typically, A-36 or SA-516 carbon steel comes in thicknesses of 3/16" through 1/2" or T-304L and T-316L stainless steel also in thicknesses up to 1/2". Standard tanks are sized in

six-inch increments from 36" through 120" diameter. Multiple tanks can be arranged in series to accommodate high volume systems.

- Proven
- Reliable
- Simple
- Affordable

Whitten filter tanks are lined with Unisol 2000 PVC baked coatings to provide a 15 year warranty. Optional linings include epoxy rubber membrane Unisol 2000 R or Hypalon for ozone applications. All linings are NSF approved for installation in Whitten Multi-Cell filters.

Pressure Filtration

Why Whitten Pressure Filters?

- NSF International listed
- Multi-Cell filters reduce floor space requirements
- Filters can be back washed one cell at a time or one tank at a time to avoid overflowing sewer capacity (Rate=15gmp/sf)
- Filtration controls are available in manual, semi-automatic and fully automatic
- High quality tank materials for all models are selected based on specific application
- Affordable upfront investment with low operating costs
- Standard interior tank coating (unisol 2000) baked PVC has over 20 years of proven reliability
- 15-Year limited warranty
- Over 30 years of proven service

MODEL NUMBER	FILTER AREA	SINGLE TANK					PIPE CONNECTION (FOR 3 TO 15 GPM)	
		FLOW RATE					INFLUENT/ EFFLUENT	BACK WASH
		SO. FT	3 G P.M. FILTER RATE	5 G P.M. FILTER RATE	7.5 G P.M. FILTER RATE	15 G P.M. FILTER RATE		
1U-1C-36	7.07	21.21	35.35	53.03	108.05	141.40	3"	3"
1U-1C-42	9.62	28.86	48.10	72.15	144.30	192.40	3"	3"
1U-1C-48	12.57	37.71	62.85	94.28	188.55	251.40	3"	3"
1U-1C-54	15.90	47.70	79.50	119.25	238.50	318.00	4"	4"
1U-1C-60	19.83	58.89	98.15	147.23	294.45	392.60	4"	4"
1U-1C-66	23.76	71.28	118.80	178.20	356.40	475.20	4"	4"
1U-1C-72	28.27	84.81	141.35	212.03	424.05	565.40	4"	4"
1U-1C-78	33.18	99.54	165.90	248.85	497.70	663.60	6"	6"
1U-1C-84	38.48	115.44	192.40	288.60	577.20	769.60	6"	6"
1U-1C-90	44.18	132.54	220.90	331.35	662.70	883.60	6"	6"
1U-1C-96	50.27	150.81	251.35	377.03	754.04	1005.38	6"	6"
1U-1C-102	56.75	170.25	283.75	425.63	851.25	1135.00	8"	8"
1U-1C-108	63.62	190.86	318.10	477.15	954.30	1272.40	8"	8"
1U-1C-114	70.89	212.64	354.40	531.60	1063.20	1417.60	8"	8"
1U-1C-120	78.54	235.62	392.70	589.05	1178.10	1570.80	8"	8"
1U-2C-36	14.04	42.12	70.20	105.30	210.60	280.00	3"	3"
1U-2C-42	19.24	57.72	98.20	144.30	288.60	384.80	3"	4"
1U-2C-48	25.14	75.42	125.70	188.55	377.10	502.80	3"	4"
1U-2C-54	31.80	95.40	159.00	238.50	477.00	636.00	4"	6"
1U-2C-60	39.28	117.75	196.40	294.60	589.20	785.60	4"	6"
1U-2C-66	47.52	142.56	237.60	356.40	712.80	950.40	4"	6"
1U-2C-72	56.54	169.62	282.70	424.05	848.10	1130.80	6"	6"
1U-2C-78	66.36	199.08	331.80	497.70	995.40	1327.20	6"	8"
1U-2C-84	76.96	230.88	384.80	577.20	1154.40	1539.20	6"	8"
1U-2C-90	88.36	265.08	441.80	662.70	1325.40	1767.20	6"	8"
1U-2C-96	100.54	301.62	502.70	754.05	1508.10	2018.80	6"	8"
1U-2C-102	113.50	340.50	567.50	851.25	1702.50	2270.00	6"	10"
1U-2C-108	127.24	381.72	638.20	954.30	1908.60	2544.80	8"	10"
1U-2C-114	144.76	434.28	708.80	1063.20	2128.40	2836.20	8"	10"
1U-2C-120	157.08	471.24	785.40	1178.10	2356.20	3141.60	8"	10"
1U-3C-36	21.21	63.90	108.05	159.08	318.15	424.20	3"	4"
1U-3C-42	28.88	86.58	144.30	216.45	432.90	577.20	3"	6"
1U-3C-48	37.71	113.13	188.55	282.83	565.65	754.20	3"	6"
1U-3C-54	47.70	143.10	238.50	357.75	715.50	954.00	4"	6"
1U-3C-60	58.92	176.76	294.60	441.90	883.80	1178.40	4"	6"
1U-3C-66	71.28	213.84	358.40	534.60	1069.20	1425.60	4"	6"
1U-3C-72	84.81	263.52	424.05	636.08	1272.15	1696.20	6"	8"
1U-3C-78	99.54	298.92	497.70	748.55	1493.10	1990.80	6"	8"
1U-3C-84	115.44	346.32	577.20	865.80	1731.60	2308.80	6"	10"
1U-3C-90	132.54	397.62	662.70	994.05	1988.10	2650.80	6"	10"
1U-3C-96	150.81	452.43	754.05	1131.08	2262.16	3018.20	6"	10"
1U-3C-102	170.25	510.75	851.25	1278.88	2553.75	3405.00	6"	12"
1U-3C-108	190.86	572.64	954.40	1431.45	2862.90	3817.20	8"	12"
1U-3C-114	212.64	637.92	1063.20	1584.80	3189.60	4252.80	8"	12"
1U-3C-120	235.62	706.86	1178.10	1767.15	3534.30	4712.40	8"	12"



Laterals

The laterals in the Whitten Pressure Filtration System are attached to the interior perimeter of the tank by end-nipples which ensure stabilization during periods of backwash and high volume flow.

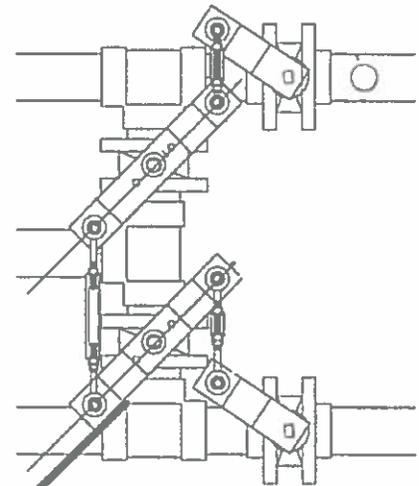
Over Drain

Whitten internal over drain distribution system is carefully designed to provide the most uniform and efficient flows through the filter sand-media bed. Precise distribution of water flow ensures longer filter runs and maximum dirt holding capacity of the filter sand-media bed.



ation Systems

MODEL NUMBER	FILTER AREA SQ FT	DUAL TANK					PIPE CONNECTION (FOR 3 TO 15 GPM)	
		FLOW RATE G.P.M./SQ. FT.					INFLUENT/ EFFLUENT	BACK- WASH
		3 G.P.M. FILTER RATE	5 G.P.M. FILTER RATE	7.5 G.P.M. FILTER RATE	15 G.P.M. FILTER RATE	20 G.P.M. FILTER RATE		
2U-2C-36	14.04	42.12	70.20	105.30	210.60	280.00	3"	3"
2U-2C-42	19.24	57.72	96.20	144.30	288.60	384.80	3"	4"
2U-2C-48	25.14	75.42	125.70	188.55	377.10	502.80	3"	4"
2U-2C-54	31.80	95.40	159.00	238.50	477.00	636.00	4"	6"
2U-2C-60	39.28	117.75	196.40	294.60	589.20	785.60	4"	6"
2U-2C-66	47.52	142.56	237.60	356.40	712.80	950.40	4"	6"
2U-2C-72	56.54	169.62	282.70	424.05	848.10	1130.80	6"	6"
2U-2C-78	66.36	199.08	331.80	497.70	695.40	1327.20	6"	8"
2U-2C-84	76.96	230.88	384.80	577.20	1154.40	1539.20	6"	8"
2U-2C-90	88.36	265.08	441.80	662.70	1325.40	1767.20	6"	8"
2U-2C-96	100.54	301.62	502.70	754.05	1508.10	2010.80	6"	8"
2U-2C-102	113.50	340.50	567.50	851.25	1702.50	2270.00	6"	10"
2U-2C-108	127.24	381.72	636.20	954.30	1908.60	2544.80	8"	10"
2U-2C-114	144.76	434.28	708.80	1063.20	2126.40	2835.20	8"	10"
2U-2C-120	157.08	471.24	785.40	1178.10	2356.20	3141.60	8"	10"
2U-4C-36	28.08	84.24	144.40	210.60	421.20	560.00	3"	6"
2U-4C-42	38.48	115.44	192.40	288.60	577.20	769.60	3"	6"
2U-4C-48	50.28	150.84	251.60	377.10	754.20	1005.60	3"	6"
2U-4C-54	63.60	190.80	318.00	477.00	954.00	1272.00	4"	8"
2U-4C-60	78.56	235.50	392.80	589.20	1178.40	1571.20	4"	8"
2U-4C-66	95.04	285.12	475.20	712.80	1425.60	1900.80	4"	8"
2U-4C-72	113.08	339.24	565.40	848.10	1696.20	2261.60	6"	10"
2U-4C-78	132.72	398.16	663.60	995.40	1990.80	2654.40	6"	10"
2U-4C-84	153.92	461.76	769.60	1154.40	2308.80	3078.40	6"	10"
2U-4C-90	178.72	512.16	883.60	1325.40	2650.80	3534.40	6"	12"
2U-4C-96	201.08	603.24	1005.40	1508.01	3016.20	4021.60	6"	12"
2U-4C-102	227.00	681.00	1135.00	1702.50	3405.00	4540.00	6"	12"
2U-4C-108	254.48	763.44	1272.40	1908.60	3817.20	5089.60	8"	14"
2U-4C-114	289.52	868.56	1417.60	2126.40	4252.80	5652.74	8"	14"
2U-4C-120	314.16	942.48	1570.80	2356.20	4712.40	6283.20	8"	14"
2U-6C-36	42.42	127.80	212.10	318.16	636.30	848.40	3"	6"
2U-6C-42	57.72	173.16	288.60	432.80	865.80	1154.40	3"	6"
2U-6C-48	75.42	226.26	377.10	565.66	1131.32	1514.44	3"	8"
2U-6C-54	95.40	286.20	477.00	715.50	1431.00	1908.00	4"	8"
2U-6C-60	117.84	353.52	589.20	883.80	1767.80	2356.80	4"	8"
2U-6C-66	142.56	427.68	712.80	1068.20	2138.40	2851.20	4"	10"
2U-6C-72	169.62	507.04	848.10	1272.16	2544.30	3392.40	6"	10"
2U-6C-78	199.08	597.84	989.40	1493.10	2988.20	3981.60	6"	12"
2U-6C-84	230.88	692.64	1154.40	1731.60	3463.20	4617.60	8"	12"
2U-6C-90	265.08	795.24	1325.40	1988.10	3976.20	5301.60	6"	14"
2U-6C-96	301.62	904.86	1508.10	2262.16	4524.32	6032.40	6"	14"
2U-6C-102	340.50	1021.50	1702.50	2553.75	5107.50	6810.00	8"	16"
2U-6C-108	381.72	1145.28	1908.80	2882.90	5725.80	7634.40	8"	16"
2U-6C-114	425.28	1275.84	2126.40	3189.60	6379.20	8505.60	8"	16"
2U-6C-120	471.24	1413.72	2356.20	3534.30	7068.60	9424.80	8"	16"

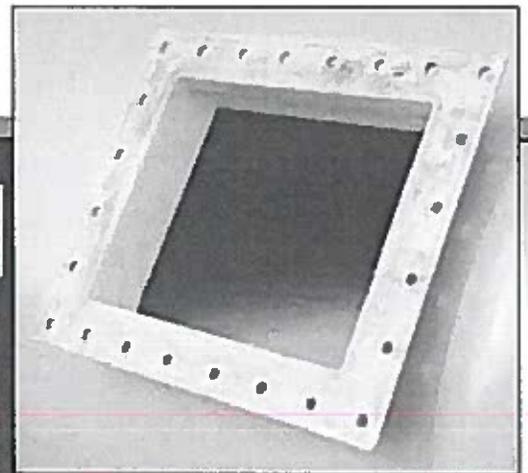
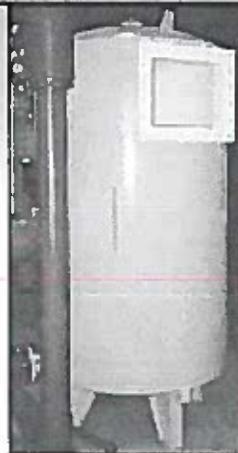


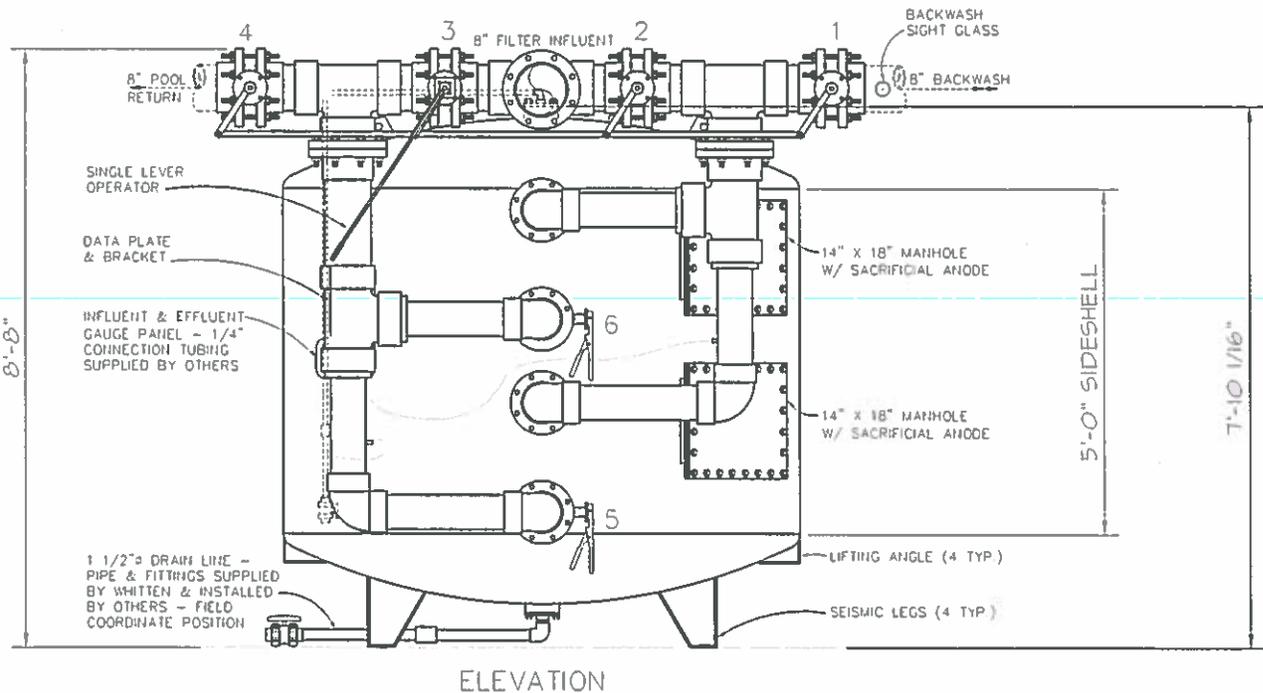
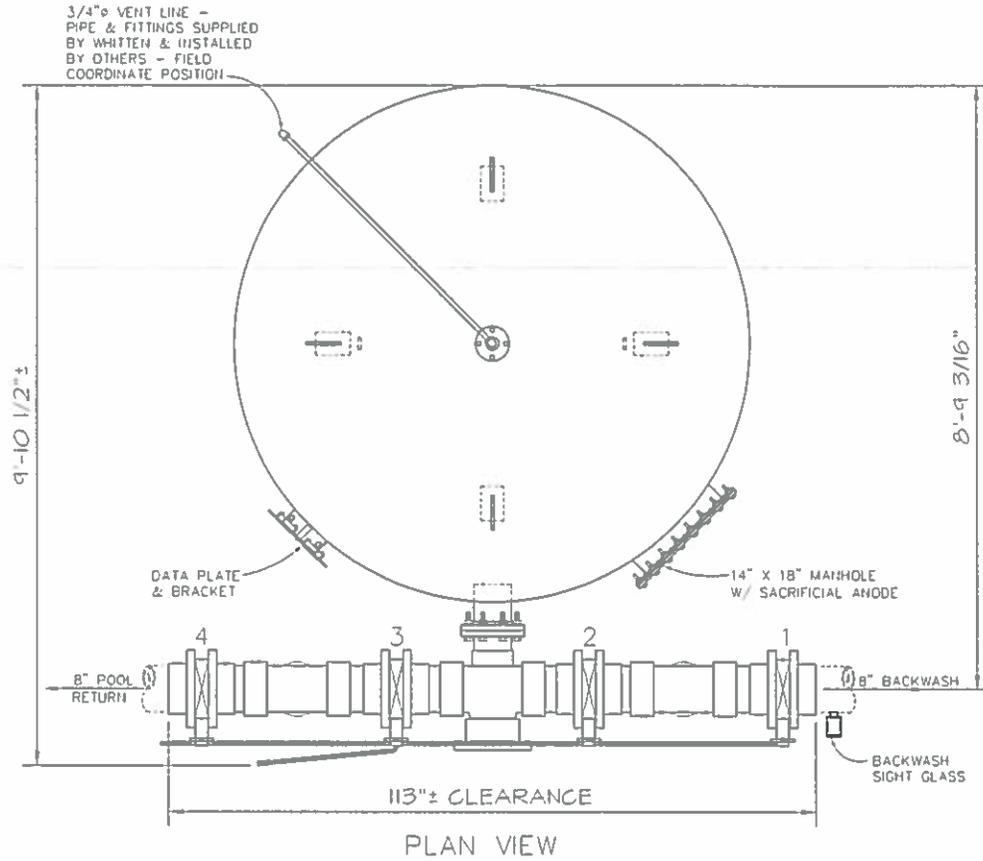
Face Piping

Whitten face piping incorporates user friendly single lever linkage. This allows operator simplicity by moving one lever in order to activate valves for backwashing. Whitten's standard valves are nylon coated with undercut wafer for early valve-seating and efficiency.

Access Hatch

An oversized access hatch is standard on all Whitten Pressure filters. With its rectangular shape and a size of 18" x 14", it allows for easy operator inspection of internal components or media. It features an industrial grade heavy-duty gasket that is designed to be reused after each inspection. The Whitten gasket eliminates the inconvenience and cost of reordering and replacing gaskets each time you inspect the filter.

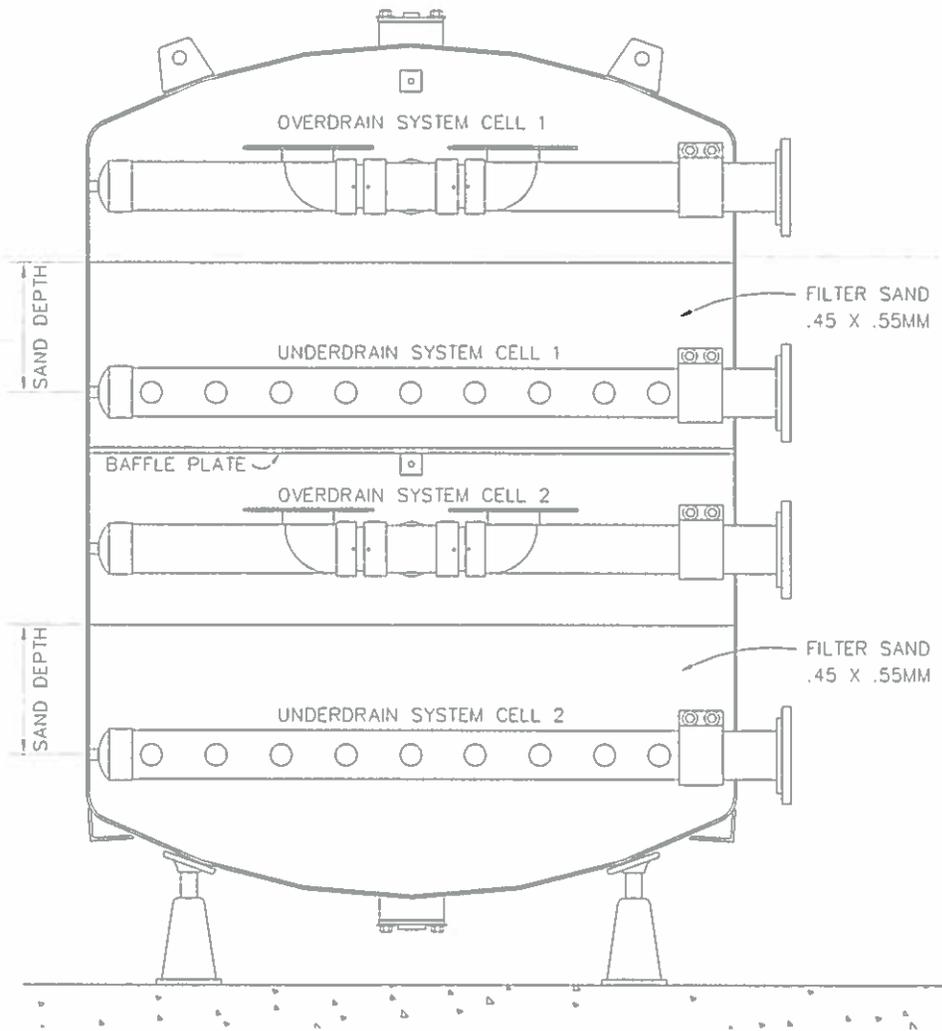




1U-2C-90 MULTI-CELL FILTER

DATE: -
 JOB NO.: -
 FILE NO.: -

 <p>WHITTEN PRODUCTS DIVISION of HYDROTECH SYSTEMS Ltd.</p>	P.O.Box 648 One Aquatic Center Cohoes, NY 12047 Tel. 518-783-0038 Fax 518-783-0474	 <p>AQUATIC DEVELOPMENT GROUP</p>
--	--	---



FILTER SIZE	# of 100 lb. Bags .44mm X .55mm	FILTER SIZE	# of 100 lb. Bags .44mm X .55mm
1U-2C-36	20	1U-2C-84	110
1U-2C-42	36	1U-2C-90	146
1U-2C-48	42	1U-2C-96	160
1U-2C-54	45	1U-2C-102	210
1U-2C-60	65	1U-2C-108	235
1U-2C-66	84	1U-2C-114	255
1U-2C-72	92	1U-2C-120	276
1U-2C-78	110		

2-CELL (1U-2C) MEDIA DEPTH CHART

DATE: 7/17/01

FILE NO:



City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

RECEIVED



2020 OCT -9 AM 11:50

CITY CLERK'S OFFICE
GARDNER, MA

October 9, 2020

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

RE: Update regarding Items #10342 and 10343

Dear President Kazinskas and Councilors,

I wanted to write to you to give you an update on the status of the agenda items related to the potential expansion of Heywood Hospital.

My office has received questions from two councilors that have been forwarded to both Heywood and the relative city departments that relate to the subject matters of the question. These answers are being compiled and will be submitted to the Council when completed. If any other councilors have questions on the matter, please feel free to send them to my office and we will provide you with the answers.

I also want to make sure that the Council ample opportunity to review the draft lease agreement for the land. As such, I plan to submit this document to the City Council at least a week in advance of the November 2nd Regular Meeting of the City Council.

Please let me know if you have any further questions on this matter.

Respectfully,

Michael J. Nicholson
Mayor, City of Gardner

**DECLARING SURPLUS FOR PURPOSE OF DISPOSAL
LAND OFF WOODLAND AVENUE**

VOTED: To declare land available for the disposition for the purpose of a lease to be negotiated between the Mayor and Heywood Hospital, in accordance with prevailing General Laws, the land off Woodland Avenue, further identified on the City of Gardner Assessor's Map as R27-2-8B, and upon such other terms as the mayor shall consider proper in accordance with this Vote.

10342

City of Gardner, *Executive Department*

Michael J. Nicholson, Mayor

September 24, 2020

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

RECEIVED
2020 SEP 28 AM 11:15
CITY CLERK'S OFFICE
GARDNER, MA



RE: Request for Declaration of Land Available for Disposition

Dear President Kazinskas and Councilors,

As part of Heywood Hospital's long term planning, the Hospital is exploring a potential expansion to add a new surgical and perioperative wing onto their existing building. In order to accomplish this, Heywood Hospital would have to lease a portion of land currently owned by the City.

President Brown and other members of the Heywood Administration have met with several of our department heads to present their plan and go over what needs to be done to ensure that their proposal meets all of the legal and environmental requirements that need to be followed.

Chapter 30B of the General Laws state, "if a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the governmental body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property." Per the guidance issued by the Inspector General's office. This declaration must be made prior to the City entering into any negotiations for the lease of the property.

The current Covid-19 Pandemic has truly highlighted how blessed we are as a City to have Heywood Hospital located here. The services they offer to our residents, the partnerships they create with our community organizations, and their commitment to improving the quality of life in our City are invaluable. I am very happy to see that they are interested in continuing to invest in our City and make it so that services that currently require patients to travel to Boston or Worcester could now be done here in Gardner.

As such, I kindly ask the Council to declare the requested parcel of land as available for disposition in order to allow my office to begin lease negotiations with the administration of Heywood Hospital as the first step toward their expected expansion. Following successful negotiations, the Hospital would then enter into conversations with the Conservation Commission, Planning Board, Zoning Board of Appeals and all other relevant state and local boards and commissions, but those discussions cannot be held until they have title to the land through a lease.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner



Heywood Hospital
Member of the Heywood Healthcare Family

10342

September 23, 2020

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

Dear Mayor Nicholson,

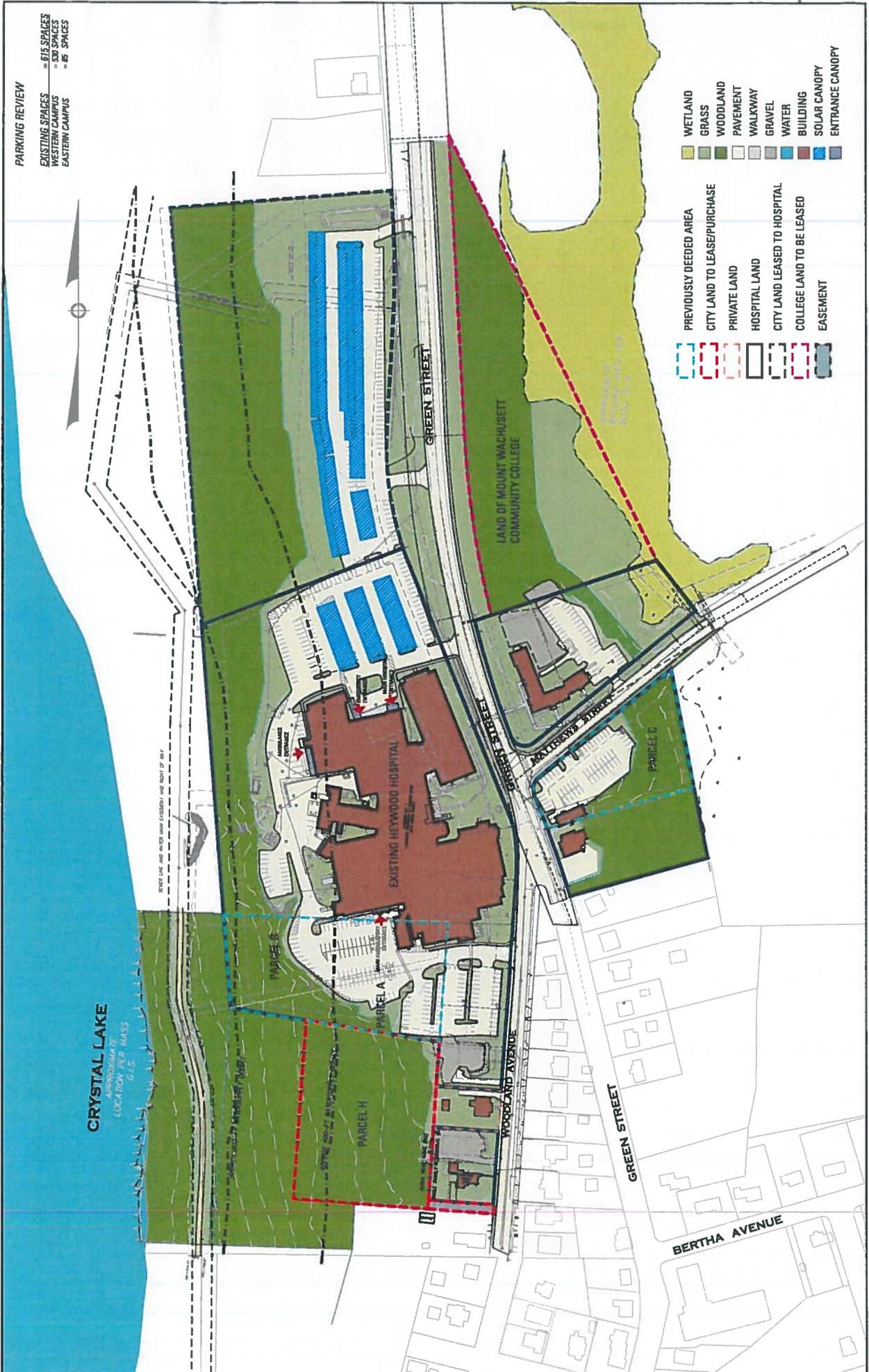
Heywood Hospital respectfully requests to enter into a lease agreement for land identified as Parcel H, a certain parcel of land situated west of Woodland Avenue, in Gardner Worcester County Massachusetts, and shown on the attached Exhibit Plan.

See attachment – Exhibit Plan.

Respectfully Submitted,

Win Brown, President and CEO
Heywood Healthcare

11342



HEYWOOD HOSPITAL EXISTING CONDITIONS SITE PLAN

10342

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT									
HENRY HEYWOOD MEMORIAL HOS						Code: 9550	Assessed: 54,700								
242 GREEN ST		SUPPLEMENTAL DATA				Code: 9550		Assessed: 54,700							
GARDNER MA 01440		Assoc Pld#: M_159977_926225				Code: 9550		Assessed: 54,700							
GIS ID: M_159977_926225		BK-VOL/PAGE SALE DATE QU VI SALE PRICE VC				Code: 9550		Assessed: 54,700							
HENRY HEYWOOD MEMORIAL HOSPITAL		19750	0159	03-26-1998	U V	24,500	1K	54,700							
Total		0.00				Total		54,700							
EXEMPTIONS		OTHER ASSESSMENTS		PREVIOUS ASSESSMENTS (HISTORY)		Total									
Year	Description	Amount	Code	Description	Number	Amount	Comm Int	Year	Code	Assessed	Year	Code	Assessed		
								2019	9550	54,700	2018	9550	54,700		
								2017	9550	54,700	2017	9550	54,700		
Total		0.00				Total		Total		54,700	Total		54,700		
ASSESSING NEIGHBORHOOD		NOTES		APPRAISED VALUE SUMMARY		Total Appraised Parcel Value									
Nbhd	Nbhd Name	B	Tracing	Appraised Bldg. Value (Card)	0	Appraised Xf (B) Value (Bldg)	0	Appraised Ob (B) Value (Bldg)	0	Appraised Land Value (Bldg)	54,700	Special Land Value	0	Total Appraised Parcel Value	54,700
0001															
BUILDING PERMIT RECORD		LAND LINE VALUATION SECTION		VISIT / CHANGE HISTORY		Total Appraised Parcel Value									
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Date	Id	Type	Is	Cd	Purpose/Result		
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj.	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit Pric	Land Value
1	9550	Hospital V	R2		43,560 SF	1.15	1.000000	5	1.00		1.000		1.00000	1.15	49,900
1	9550	Hospital V	R2		1.190 AC	4,000.00	1.000000	0	1.00		1.000		1.00000	4,000.00	4,800
Total Card Land Units		2.190 AC		Parcel Total Land Area: 2.1900		Total Appraised Parcel Value		Total Appraised Parcel Value		Total Appraised Parcel Value		Total Appraised Parcel Value		Total Land Value	
						54,700		54,700		54,700		54,700		54,700	

VISION

10342

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd	Element	Cd							
Style: 99	Vacant Land									
Model: 00	Vacant									
Grade:										
Stories:										
Occupancy:										
Exterior Wall 1										
Exterior Wall 2										
Roof Structure:										
Roof Cover:										
Interior Wall 1										
Interior Wall 2										
Interior Fir 1										
Interior Fir 2										
Heat Fuel:										
Heat Type:										
AC Type:										
Total Bedrooms:										
Total Bthrms:										
Total Half Baths:										
Total Xtra Fixtrs:										
Total Rooms:										
Bath Style:										
Kitchen Style:										
		<p>RCN 0</p> <p>Year Built 0</p> <p>Effective Year Built 0</p> <p>Depreciation Code 0</p> <p>Remodel Rating 0</p> <p>Year Remodeled 0</p> <p>Depreciation % 0</p> <p>Functional Obsol 0</p> <p>Economic Obsol 0</p> <p>Trend Factor 1</p> <p>Condition 0</p> <p>Percent Good 0</p> <p>RCNILD 0</p> <p>Dep % Ovr 0</p> <p>Dep Ovr Comment</p> <p>Misc Imp Ovr</p> <p>Misc Imp Ovr Comment</p> <p>Cost to Cure Ovr</p> <p>Cost to Cure Ovr Comment</p>								
		<p>MIXED USE</p> <p>Code 9550 Hospital V Percentage 100</p> <p>0</p> <p>0</p>								
		<p>COST / MARKET VALUATION</p>								
		<p>OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)</p>								
Code	Description	L/B	Units	Unit Price	Yr Bilt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
<p>BUILDING SUB-AREA SUMMARY SECTION</p>										
Code	Description	Living Area	Floor Area	Eif Area	Unit Cost	Undeprec Value				
Ttl Gross Liv / Lease Area		0	0	0	0	0				0

No Sketch

10343
CORRECTED

AUTHORIZE LIFTING DEED RESTRICTION

VOTED: To authorize the Mayor to lift the deed restrictions to land deeded by the City of Gardner to Henry Heywood Hospital, as shown in deed recorded on March 26, 1998, with the Worcester District Registry of Deeds, in Book 19750, Page 159, with regards to Parcels A, B and C and the limitation to vehicular parking, loading areas and access driveway, and that the Mayor is authorized to take any other action necessary or convenient to carry out this vote.

11343

City of Gardner, *Executive Department*

RECEIVED



Michael J. Nicholson, Mayor

2020 SEP 28 AM 11:46

CITY CLERK'S OFFICE
GARDNER, MA

September 24, 2020

The Honorable Elizabeth J. Kazinskas, President
And City Councilors

Gardner City Hall
95 Pleasant St., Rm 121
Gardner, MA 01440

RE: Request from Heywood Hospital to Lift Deed Restriction

Dear President Kazinskas and Councilors,

As a part of their long term planning process, Heywood Hospital has reached out to my office to request that a deed restriction listed on land that the City deeded to the Hospital on January 26, 1998, limiting the use of the property to vehicular parking, loading area, and access driveways.

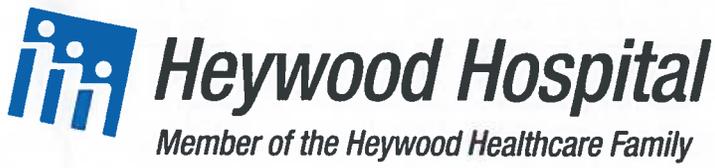
A copy of their request, as well as a copy of the deed are attached to this letter.

Heywood Hospital is a vital resource to our community and I am happy to see that they are looking to continue to invest in our City.

Respectfully Submitted,

Michael J. Nicholson
Mayor, City of Gardner

10343



September 24, 2020

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

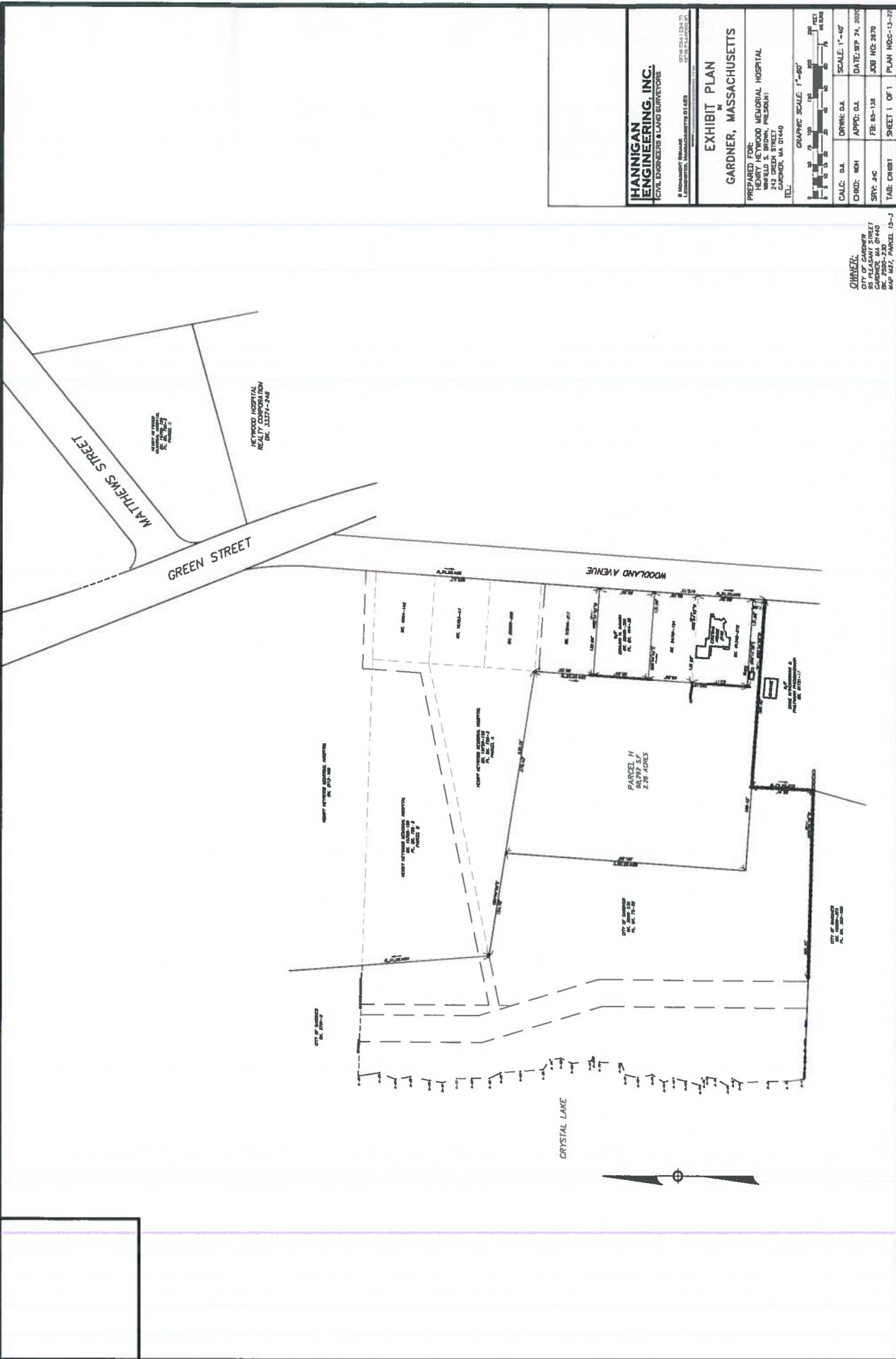
Dear Mayor Nicholson,

Heywood Hospital respectfully requests removal of deed restrictions to land deeded by the City of Gardner to Henry Heywood Hospital, on January 26, 1998, as shown in Book 1950, page 160. Heywood Hospital requests removal of restrictions on Parcels A, B, and C, which are currently limited to vehicular parking, loading areas and access driveways.

See attached, exhibit A.

Respectfully Submitted,

Win Brown, President and CEO
Heywood Healthcare



HANNIGAN ENGINEERING, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 100 Main Street, 2nd Floor
 Gardner, Massachusetts 01440
 TEL: 508-853-1111

EXHIBIT PLAN
 GARDNER, MASSACHUSETTS

PREPARED FOR:
 WOOD MEMORIAL HOSPITAL
 212 GREEN STREET
 GARDNER, MA 01440
 TEL: 508-853-1111

GRAPHIC SCALE: 1"=40'

CALL: DA	DRWG: DA	SCALE: 1"=40'
CHRD: BSH	APPD: DA	DATE: SEP 24, 2000
SYN: JAC	FE: 65-138	JOB NO: 8970
TAB: CRIBT	PLAN NO: 13-27	SHEET 1 OF 1

CORRECTION:
 CITY OF GARDNER
 212 GREEN STREET
 GARDNER, MA 01440
 MAP 1027, PARCEL 13-J

38125

35/20
10343
[Handwritten signature]

Property Address: Land off Woodland Avenue; Green Street & Matthews Street; Gardner, Massachusetts

The INHABITANTS of the CITY OF GARDNER, a municipal corporation organized and existing under the laws of the Commonwealth of Massachusetts;

for consideration paid, and in full consideration of TWENTY FOUR THOUSAND FIVE HUNDRED (\$24,500.00) DOLLARS,

grant to HENRY HEYWOOD MEMORIAL HOSPITAL of 242 Green Street; Gardner, Worcester County, Massachusetts,

with Quitclaim Covenants, the land in the City of Gardner, County of Worcester, Commonwealth of Massachusetts, bounded and described as follows:

Parcel A

A certain parcel of land situated off the westerly side of Woodland Avenue, in Gardner, Worcester County, Massachusetts, bounded and described as follows:

BEGINNING at the northeasterly corner thereof, at a drill hole at the end of a stone wall at land of Henry Heywood Memorial Hospital, and at the southeasterly corner of other land of the City of Gardner, being shown as Parcel "B" on a plan hereinafter referred to, said drill hole being located North 85° 54' 42" West, along a line that divides two parcels of said Hospital land, a distance of 132.00 feet from an iron pin in the westerly line of Woodland Avenue;

THENCE South 03° 45' 46" West, by said Hospital land 82.48 feet to a drill hole at a corner of land of David H. Gill;

THENCE South 04° 26' 23" West, by said Gill land 76.50 feet to a corner of other land of the City of Gardner, the preceding two courses being by a stone wall;

THENCE North 80° 49' 58" West, by said city land 430.19 feet to an iron pin at a corner of land of the first mentioned City of Gardner and Parcel "B" on said plan;

THENCE North 78° 19' 58" East, by said City land and Parcel "B" 445.23 feet to a drill hole at land of the first mentioned Henry Heywood Memorial Hospital and the point of beginning.

Containing 0.782 acres or 34,098 square feet.

No Right of Way is herein granted, nor is any by necessity to be implied. The grantee herein has access to a public road over other adjoining land owned by them.

Being shown as Parcel "A" on a plan entitled: Plan of Parcels Prepared For the City of Gardner, Gardner, MA, Scale: 1 inch = 60 feet, July 16, 1997, Szoc Surveyors, 32 Pleasant St., Gardner, MA, Tel. (508) 632-0233, to be recorded herewith in Worcester District Registry of Deeds, *Plan Book 726 plan 2*

Being a portion of the premises granted to the City of Gardner by deed of Henry E. Heywood et al dated September 6, 1933 and recorded in Worcester District Registry of Deeds, Book 2590, Page 230.

Parcel B

A certain parcel of land situated off the westerly side of Woodland Avenue, in Gardner, Worcester County, Massachusetts, bounded and described as follows:

BEGINNING at the southeasterly corner thereof, at a drill hole at the end of a stone wall at land of Henry Heywood Memorial Hospital, and at the northeasterly corner of other land of the City of Gardner, being shown as Parcel "A" on a plan hereinafter referred to, said drill hole being located North 85° 54' 42" West, by a line that divides two parcels of said Hospital land, a distance of 132.00 feet from an iron pin in the westerly line of Woodland Avenue;

THENCE South 78° 19' 58" West, by said City land and Parcel "A", 445.23 feet to an iron pin at a corner of other land of the City of Gardner;

THENCE North 04° 22' 10" West, by said City land 190.00 feet to a drill hole in a stone wall at a corner of land of Henry Heywood Memorial Hospital;

98 MAR 26 AM 9:41

THENCE South 88° 03' 32" East, partly by a stone wall, 456.77 feet;
THENCE South 04° 05' 18" West, 84.15 feet to a drill hole at the northeasterly corner of the aforementioned Parcel "A", and the point of BEGINNING, the preceding two courses being by said hospital land.
Containing 1.404 acres or 61,159 square feet.

No Right of Way is herein granted, nor is any by necessity to be implied. The grantee herein has access to a public road over other adjoining land owned by them.

Being shown as Parcel "B" on a plan entitled: Plan of Parcels Prepared For the City of Gardner, Gardner, MA, Scale: 1 inch = 60 feet, July 16, 1997, Szoc Surveyors, 32 Pleasant St., Gardner, MA, Tel (508) 632-0233, to be recorded herewith in Worcester District Registry of Deeds.

Being a portion of the premises granted to the City of Gardner by deed of Henry E. Heywood et al dated September 6, 1933 and recorded in Worcester District Registry of Deeds, Book 2590, Page 230.

Parcel C

A certain parcel of land situated at the southeasterly intersection of the easterly line of Green Street with the southerly line of Matthews Street, in Gardner, Worcester County, Massachusetts, bounded and described as follows:

BEGINNING at the southwesterly corner thereof, at a point in the easterly line of Green Street, at a corner of land of Ann H. Damon;

THENCE northerly by a curve to the left having a radius of 1934.86 feet, an arc length of 40.46 feet to a point of tangency;

THENCE North 21° 51' 05" West, 29.76 feet to a bound at a point of curvature of a curve that rounds the southeasterly intersection of the easterly line of Green

Street with the southerly line of Matthews Street, the preceding two courses being by the said line of Green Street;

THENCE northerly and northeasterly by a curve to the right, having a radius of 35.00 feet, an arc length of 44.41 feet to a point of tangency in the southerly line of Matthews Street;

THENCE North 50° 50' 25" East, by said street line 345.12 feet to a corner of other land of the City of Gardner, the grantor herein;

THENCE South 10° 54' 46" East, partly by a stone wall 245.14 feet to a drill hole at a corner of stone walls at a corner of land of the first mentioned Ann H. Damon;

THENCE South 74° 31' 03" West, by said Damon land and partly by a stone wall 309.90 feet to the easterly line of Green Street and the point of beginning.

Containing 1.255 acres or 54,692 square feet.

Being shown as Parcel "C" on a plan entitled: Plan of Parcels Prepared For The City of Gardner, Gardner, MA, Scale: 1 inch = 60 feet, July 16, 1997, Szoc Surveyors, 32 Pleasant St., Gardner, MA, Tel (508) 632-0233, to be recorded herewith in Worcester District Registry of Deeds.

Being a portion of the premises granted to the City of Gardner by deed of Heywood Farm, Inc. dated July 29, 1937 and recorded in Worcester District Registry of Deeds, Book 2701, Page 9.

This grant is made with the restriction that the use of the above described Parcels A, B and C shall be limited to vehicular parking, loading area and access driveways.

This conveyance complies with Massachusetts General Laws Chapter 44 Section 63A.

Property Address: Land off Woodland Avenue; Green Street 7 Matthews Street; Gardner, Massachusetts

Please Return To:
John F. Bohman, Esq.
P.O. Box 429
Gardner, MA 01440

Witness my hand and seal this 26th day of January, 1998

CITY OF GARDNER

By Charles J. Manca
Mayor

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

January 26, 1998

Then personally appeared the above named Charles J. Manca, Mayor of the City of Gardner, and acknowledged the foregoing instrument to be the free act and deed of the Inhabitants of the City of Gardner and his own free act and deed, before me

Kendy Longelis
Notary Public

My Commission Expires: 8-3-01

plu

Property Address: Land off Woodland Avenue; Green Street & Matthews Street in Gardner, Massachusetts

~~RECORDED
JAN 26 1998
GARDNER
TAX
CASH
111.72
111.72
3/26/98~~

Please Return To:
John F. Bohman, Esq.
P.O. Box 429
Gardner, MA 01440

ATTEST: WORC. Anthony J. Vigliotti, Register

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER BY ADDING A NEW CHAPTER 565, TO BE ENTITLED "STORMWATER MANAGEMENT," WHICH CHAPTER PROVIDES FOR STORMWATER AND EROSION CONTROL MEASURES, ILLICIT CONNECTIONS AND DISCHARGES TO THE STORMWATER DRAIN SYSTEM, ENFORCEMENT, AND PENALTIES FOR VIOLATION OF THE CHAPTER.

Be it ordained by the City Council of the City of Gardner as follows:

Section 1.

The Code of the City of Gardner is hereby amended by adding thereto a new chapter, to be Chapter 565, Stormwater Management, to read as follows:

**ARTICLE I
Stormwater and Erosion Control**

§ 565-1. - Purpose and intent.

(A) The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare of the city by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This ordinance seeks to meet that purpose through the following objectives:

- (1) Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of Phase II of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate

ORDINANCE

Storm Sewer Systems (MS4) and other applicable State and Federal mandates. Under the Phase II stormwater permit, the U.S. Environmental Protection Agency (EPA) required regulated municipalities to reduce the discharge of pollutants in stormwater to the maximum extent practicable and to adopt ordinances to address the control of sources of pollutants entering the municipal storm drain system.

- (2) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
- (3) Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or better than the pre-development runoff characteristics where appropriate in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
- (4) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
- (5) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
- (6) Encourage the use of nonstructural stormwater management, environmentally sensitive site design practices, and low-impact development practices, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.

ORDINANCE

- (7) Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
 - (8) Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
 - (9) Establish provisions for the long-term operation and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
 - (10) Establish certain administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, the inspection of construction sites and approved active projects, and long-term monitoring.
 - (11) Ensure that construction and waste materials, toxic materials, hazardous materials, and other pollutants are prevented from mixing with stormwater runoff, which would degrade water quality.
 - (12) Establish the City of Gardner's legal authority and capacity to ensure compliance with the provisions of this ordinance through permitting, inspection, monitoring, and enforcement.
- (B) Nothing in this ordinance is intended to replace the requirements of the City of Gardner Zoning Ordinance, the Massachusetts Wetlands Protection Act, the City of Gardner General Ordinance, any other ordinance that may be adopted by the City of Gardner, or any rules and regulations adopted there under.

ORDINANCE

§ 565-2. - Purpose and intent.

This ordinance is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

§ 565-3. - Definitions.

The following definitions shall apply in the interpretation, implementation, and enforcement of this ordinance:

Alter

Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land-disturbing activities".

Applicant

Any person, individual, partnership, association, organization, firm, company, trust, corporation, agency, authority, department, or political subdivision of the commonwealth or the federal government, to the extent permitted by law, any officer, employee, or agent of such person who has filed an application for a stormwater permit.

Development

The modification of land to accommodate a new use, revised use, or expansion of use, usually involving construction.

Discharge of pollutants

The addition of any pollutant or combination of pollutants into the MS4 or into the waters of the United States or the waters of the commonwealth, from any source.

ORDINANCE

Environmentally sensitive site design: Design that incorporates low impact development techniques to prevent the generation of stormwater and nonpoint source pollution by reducing impervious surfaces, disconnecting stormwater sheet flow paths and treating stormwater at its source, maximizing open space, minimizing disturbance, protecting natural features and processes, and/or enhancing wildlife habitat, as defined in 310 CMR 10.

Impervious cover (IC) or impervious area (IA): Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: roads, paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.

Infiltration

The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a site.

Land disturbance

Any action that causes removal of vegetation (including tree cutting) or that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. See also "alter."

Land-disturbing activity

Any action that causes a change in the existing soil cover which includes the position or location of soil, sand, rock, gravel, or similar earth material. Land-disturbing activities include, but are not limited to, clearing, clearing of trees, grubbing, filling and excavation.

Low impact development (LID) techniques

Innovative stormwater management systems that are modeled after natural hydrologic features. See 310 CMR 10 for further clarification.

ORDINANCE

Massachusetts Stormwater Management Standards

The latest version as may be amended from time to time of the stormwater management standards and accompanying Stormwater Handbook issued by the Massachusetts Department of Environmental Protection Agency pursuant to authority under the Wetlands Protection Act, M.G.L.A. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L.A. c. 21, § 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

Municipal separate storm sewer system (MS4) or Municipal storm drain system: The conveyance or system of conveyances designed or used for collecting or conveying stormwater, which is not a combined sewer, including any road with a drainage system, municipal street, catch basins, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Gardner.

Nonpoint source

Any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff. Nonpoint source pollution emanates from many diffuse sources caused by rainfall, snowmelt, or other methods of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

Point source

The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

Pollutant

ORDINANCE

Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any storm drain system treatment works, ground water or surface water.

Pollutants shall include, without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform, and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils, with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of the MS4 and stormwater management systems;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

Post-development

The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

Pre-development

The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads, utilities, etc.) the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

Recharge

ORDINANCE

The replenishment of underground water reserves.

Reconstruction

Any action causing complete removal and replacement of paved surfaces, such as driveways, parking areas and roads.

Redevelopment

Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

Runoff

Rainfall or snowmelt water flowing over the ground surface or other source that may result in transport of pollutants.

Site

Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

Stockpiling

The storage of unsecured material for future use, excluding the storage of materials ten cubic yards or less when secured utilizing erosion controls to prevent erosion of material.

Stormwater

Stormwater runoff, snow melt runoff, and surface water runoff or drainage.

Stormwater best management practice (BMP)

A structural or non-structural technique for managing stormwater to prevent or reduce nonpoint source pollutants from entering surface waters or ground waters, as defined in 310 CMR 10. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter, or other stormwater treatment practice or measure either alone or in combination including, without limitation, any overflow pipe, conduit, weir control structure that:

ORDINANCE

- A. Is not naturally occurring;
- B. Is not designed as a wetland replication area; and
- C. Has been designated, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater.

Nonstructural stormwater best management practices include source control and pollution prevention measures.

Stormwater management permit (SMP)

A permit issued by the stormwater authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the city from the deleterious effects of uncontrolled and untreated stormwater runoff.

Surface waters

All water other than groundwater within the jurisdiction of the commonwealth including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, and coastal waters, as defined in 310 CMR 10.00.

Toxic material or hazardous material or waste

Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous material include any synthetic organic chemical, petroleum, product, heavy metal, radioactive or infectious waste, acid, and alkali, and any substance defined as toxic or hazardous under M.G.L.A. c. 21C and c. 21E, and the regulations at 310 CMR 30.300 and 310 CMR 40.0000.

§ 565-4. - Applicability.

- (A) This ordinance shall be applicable to the following activities. Compliance with all provisions of this ordinance, to the maximum extent practicable as determined by the stormwater authority, shall be a requirement for issuance of a stormwater management permit.

ORDINANCE

- (1) All subdivisions as defined in the Massachusetts Subdivision Control Law (M.G.L.A. c. 41 §§ 81K—81GG) requiring approval of a definitive subdivision plan;
- (2) Any activity that will result in a land disturbance of ten thousand square feet or greater within the City of Gardner.

(B) This ordinance shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this ordinance, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in this ordinance. A development shall not be segmented or phased in a manner to avoid compliance with this ordinance. The building department shall review all building permits to determine if a storm water management permit will be required, and, if required, will direct the applicant or potential applicant to the designated contact person at the department of public works.

(C) Coordination with other city permits.

- (1) No building permit, subdivision approval, special permit, variance, or finding shall constitute compliance with this ordinance. For a project or activity that meets the scope and applicability of this section of this ordinance, no work may commence until the site owner or his agent submits the required documentation, the stormwater authority issues a stormwater permit, and the site owner and responsible parties sign and certify that all land clearing, construction and development will be done pursuant to the approved plans and permit.
- (2) The ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

ORDINANCE

- (3) In case of conflicting requirements, applicable state and or federal statutes and regulations shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over the City of Gardner's Stormwater and Erosion Control Ordinance and the rules and regulations promulgated thereunder. These state statutes and regulations include, but are not limited to the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.
- (4) In no instances shall a stormwater management permit constitute authorization for alteration of wetland resources subject to the jurisdiction of the Wetlands Protection Act.

§ 565-5. - Exemptions.

(A) Exemptions from this ordinance apply to the following activities, provided that a project is solely comprised of any one of these activities:

- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 ("Agricultural"), M.G.L.A. c. 40A, § 3 and the conversion of additional land to agricultural use, when undertaken in such a manner as to prevent erosion and siltation through the use of best management practices recommended by the U.S. Department of Agriculture Natural Resources Conservation Service or the Massachusetts Department of Agricultural Resources.
- (2) Any work or projects for which all necessary approvals and permits were issued before the effective date of this ordinance. All applicable and relevant regulations must be met; city, state and federal. (This exemption does not apply to amendments or extensions of approved projects that have not started construction. In these cases, the applicant may need to re-design the project to comply with these requirements.)

ORDINANCE

- (3) Routine maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling. Routine maintenance includes activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.
- (4) Construction of any fence that will not alter existing terrain or drainage patterns.
- (5) Construction, reconstruction, operation and maintenance of utilities (including but not limited to gas, city stormwater, water, sanitary sewer, road maintenance, electric, telephone, or cable television) excluding the construction of new MS4, where the surface vegetation and contours of the area shall be substantially restored.
- (6) Emergency repairs to any existing utilities (gas, water, sanitary sewer, septic, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility that poses a threat to public health or safety, as deemed necessary by the department of public works. All reasonable efforts must be made to use proper stormwater erosion controls in all emergency repairs.
- (7) Repair, replacement or expansion of septic systems. Note—Proper erosion controls must be used.

§ 565-6. – Administration and permitting process.

(A) Stormwater Authority. The Department of Public Works is hereby designated as the stormwater authority. The stormwater authority, or his/her agent, shall administer, implement, and enforce this ordinance. The Department of Public Works may delegate in writing another city department, commission or board to act as his/her agent to review application submittals and for site inspections and enforcement of this ordinance.

ORDINANCE

(B) Stormwater and Erosion Control Regulations ("Regulations"). The stormwater authority may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, delegation of authority, procedures and administration of this ordinance. Failure of the stormwater authority to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this ordinance.

(C) Stormwater Management Handbook. The stormwater authority will utilize the Massachusetts Stormwater Management Standards and the Massachusetts Stormwater Handbooks, as amended from time to time, for criteria and information including specifications and standards of the latest edition of the Massachusetts Stormwater Management Handbook for the execution of the provisions of this ordinance. These include a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. Unless specifically made more stringent in this ordinance and the rules and regulations promulgated hereunder, stormwater management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Handbooks' design and sizing criteria shall be presumed by the stormwater authority to be protective of the Massachusetts Water Quality Standards.

(D) Stormwater Management Permit. The Stormwater Authority shall have the authority to issue a Stormwater Management Permit (SMP) for projects exceeding the thresholds defined in this Ordinance. Requirements of the SMP may be defined and included within the regulations promulgated pursuant to this Ordinance.

(E) Appeals of Actions by the Stormwater Authority. A decision by the stormwater authority made under this ordinance shall be final. Further relief shall be to the Superior Court in accordance with the provisions of M.G.L.A c. 249, § 4.

§ 565-7. – Enforcement.

ORDINANCE

(A) The stormwater authority, or an authorized agent of the stormwater authority, shall enforce this ordinance, and any regulations, permit orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.

(B) If a person violates the provisions of this ordinance or its regulations, or a permit, notice or order issued there under, the stormwater authority may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.

(C) The stormwater authority, or an authorized agent of the stormwater authority, may issue a written order to enforce the provisions of this ordinance or the regulations, which may include requirements to:

- (1) Cease and desist from land-disturbing activity until there is compliance with the ordinance or provisions of an approved SMP;
- (2) Maintain, install or perform additional erosion and sediment control measures;
- (3) Perform monitoring, analyses, and reporting;
- (4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
- (5) Comply with requirements in the SMP for operation and maintenance of stormwater management systems; and
- (6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems. If the stormwater authority or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

ORDINANCE

(D) Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the stormwater authority may elect to utilize the non-criminal disposition procedure set forth in M.G.L.A c. 40, § 21D, in which case any police officer of the City of Gardner, the city engineer, and such other persons as are authorized by the stormwater authority shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this ordinance, regulation, order or permit issued thereunder, shall be punished as follows:

- (1) First violation: Warning
- (2) Second violation: one hundred dollars
- (3) Third violation: two hundred dollars
- (4) Fourth and subsequent violations: three hundred dollars.
- (5) Each day a violation exists shall constitute a separate violation. Each day of noncompliance shall constitute a new and separate violation. The conservation agent, DPW personnel and any other city employee designated in writing by the Stormwater Authority, may as an alternative to initiating criminal proceedings, seek the noncriminal disposition of violations of the Storm Water Ordinance, by following the procedure set forth in M.G.L.A. c. 40, § 21D. Any person, corporation, company, or partnership that violates any provision of this ordinance shall be subject to a penalty of one hundred dollars for the second offense, two hundred dollars for the third offense, and three hundred dollars for the fourth and each additional offense.

(E) Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available to the stormwater authority or the city under any applicable federal, state or local law.

§ 565-8. – Severability.

(A) The invalidity of any section, provision, paragraph, sentence, or clause of this ordinance shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

ORDINANCE

ARTICLE II Illicit Connections and Discharges to the Storm Drain System

§ 565-9. - Purpose and Authority.

(A) The purpose of this article is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Gardner's water bodies, groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this article are:

- (1) To prevent pollutants from entering Gardner's municipal separate storm sewer system (MS4).
- (2) To prohibit illicit connections and unauthorized discharges to the MS4.
- (3) To require the removal of all such illicit connections.
- (4) To comply with state and federal statutes and regulations relating to stormwater discharges.
- (5) To establish the legal authority to ensure compliance with the provisions of this article through inspection, monitoring and enforcement.
- (6) To prevent contamination of drinking water supplies.

(B) Authority. The Department of Public Works shall administer, implement and enforce this article.

§ 565-10. - Definitions.

For the purposes of this article, the following shall mean:

ORDINANCE

Authorized enforcement agency

The Department of Public Works, its employees or agents designated to enforce this article.

Best management practice (BMP)

An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improved the quality of stormwater runoff.

Clean Water Act

The Federal Water Pollution Control Act (33 U.S.C. section 1251 et seq.) as hereafter amended.

Discharge of pollutants

The addition from any source of any pollutant or combination of pollutants into the storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater

All water beneath the surface of the ground.

Illegal discharge

Any direct or indirect nonstormwater discharge to the storm drain system, except as specifically exempted in sections 5(4) and 5(5). The term does not include a discharge in compliance with an NPDES stormwater discharge permit.

Illicit connection

Any surface or subsurface drain or conveyance, which allows an illegal discharge into the storm drain system. Illicit connections include conveyances which allow a nonstormwater discharge to the storm drain system, including sewage, process wastewater or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether such connection was previously allowed, permitted, or approved before the effective date of this article.

Impervious surface

ORDINANCE

Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

Municipal separate storm sewer system (MS4) or municipal storm drain system

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system; street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City of Gardner.

National pollutant discharge elimination system (NPDES) storm water discharge permit

A permit issued by United States Environmental Protection Agency or jointly with the state that authorized the discharge of pollutants to waters of the United States.

Nonstormwater discharge

Any discharge to the storm drain system, not composed entirely of stormwater.

Person

Any individual, partnership, association, firm, company, trust, corporation, and, any agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Pollutant

Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the commonwealth. Pollutants shall include:

- A. Paints, varnishes and solvents.
- B. Oil and other automotive fluids.
- C. Nonhazardous liquid and solid wastes and yard wastes.
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables.

ORDINANCE

- E. Pesticides, herbicides and fertilizers.
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens.
- G. Dissolved and particulate metals.
- H. Animal wastes.
- I. Rock, sand, salt, soils, with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of the MS4 and stormwater management systems;
- J. Construction wastes and residues.
- K. Noxious or offensive matter of any kind.

Process wastewater

Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge

The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Storm drain system

The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the City of Gardner.

Stormwater

Runoff from precipitation or snow melt.

Toxic or hazardous material or waste

Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in

ORDINANCE

combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as toxic or hazardous under G.L. chapters 21C and 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.000.

Uncontaminated

Water containing no pollutants.

Wastewater

Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Waters of the commonwealth

All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

§ 565-11. - Applicability.

This article shall apply to flows entering the storm drain system on public or private ways with the City of Gardner.

§ 565-12. - Regulations.

The Department of Public Works may promulgate rules, regulations and a permitting process to effectuate the purposes of this article. Failure by the Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this article.

ORDINANCE

§ 565-13. – Prohibited activities.

- (A) **Illegal Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or nonstormwater discharge into the storm drain system, watercourse, or into the waters of the commonwealth.
- (B) **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (C) **Obstruction of Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater in or out of the storm drain system without prior approval from the Department of Public Works or its designated agent.
- (D) **Exemptions.** This section shall not apply to any of the following nonstormwater discharges or flows provided that the source is not a significant contributor of a pollutant to the storm drain system:
- (1) Municipal waterline flushing.
 - (2) Discharges from landscape irrigation or lawn watering.
 - (3) Water from individual residential car washing and temporary fund-raising car wash events.
 - (4) Discharges from dechlorinated swimming pool water, provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one part per million chlorine), and the pool is drained in such a way as not to cause a nuisance.
 - (5) Discharges from street sweepers of minor amounts of water during operations.
 - (6) Discharges or flows resulting from fire fighting activities.

ORDINANCE

(7) Nonstormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.

(E) Exemptions with Permit from Department of Public Works. This section shall not apply to any of the following nonstormwater discharges or flows, provided that the source is not a significant contributor of a pollutant to the storm drain system, and provided that a permit is approved by the Department of Public Works:

- (1) Flows from potable water sources.
- (2) Springs.
- (3) Natural flows from riparian habitats and wetlands.
- (4) Diverted stream flows.
- (5) Rising groundwater.
- (6) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater.
- (7) Uncontaminated groundwater discharge from a sump pump, with a permit from the Department of Public Works.
- (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation.
- (9) Dye testing, provided verbal notification is given to the Department of Public Works prior to the time of the test.

ORDINANCE

(10) Unforeseen sources, on a case by case basis

The Department of Public Works may develop criteria for issuing permits under this section, based on the need to maintain capacity of the storm drain system and to protect public health, safety, welfare of the environment.

§ 565-14. – Suspension of storm drain system access.

(A) The Department of Public Works may suspend storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present imminent risk of harm to the public health, safety, welfare or the environment. In the event, any person fails to comply with an emergency suspension order, the authorized enforcement agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

(B) Any person in violation of this section may have their storm drain system access terminated, if such termination would abate or reduce an illicit discharge. The Department of Public Works will notify a violator of the proposed termination of storm drain system access. The violator may petition the Department of Public Works for reconsideration and hearing. Any person who reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Department of Public Works, shall be deemed to have violated this article.

§ 565-15. – Notification of spills.

(A) Notwithstanding any other requirements of local, state, or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Gardner Fire and Police departments. In the event of a release of nonhazardous material, such person shall notify the authorized enforcement agency not later than the next business day. Written confirmation of all

ORDINANCE

telephone, facsimile or in person notifications shall be provided to the authorized enforcement agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 565-16. - Enforcement.

(A) **Enforcement.** The Department of Public Works or its authorized agent shall enforce this article, and the regulations promulgated thereunder, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

(B) **Civil Relief.** If anyone violates the provisions of this article, regulations, permit, notice, or order issued thereunder, the Department of Public Works may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or compel the person to abate or remediate the violation.

(C) **Orders.** The Department of Public Works may issue a written order to enforce the provisions of this article or the regulations thereunder, which may include: (1) elimination of illicit connections or discharges to the storm drain system; (2) termination of access to the storm drainage system; (3) performance of monitoring, analyses, and reporting; (4) cessation of unlawful discharges, practices, or operations; and (5) remediation of contamination in connection therewith. If the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Such order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner.

Within thirty days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the city, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department of Public Works within thirty days following a decision of the receipt of the notification of the costs incurred. If the amount due is not received

ORDINANCE

by the expiration of the time in which to file a protest or within thirty days following a decision of the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of such costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. chapter 59, section 57 after the thirty-first day at which the costs first become due.

(D) **Noncriminal Disposition.** As an alternative to criminal prosecution or civil action, the City of Gardner may elect to utilize the noncriminal disposition procedure set forth in G.L. chapter 40, section 21D. The Department of Public Works shall be the enforcing entity. The penalty for the 1st violation shall be one hundred dollars. The penalty for the 2nd violation shall be two hundred dollars. The penalty for the 3rd and subsequent violations shall be three hundred dollars. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(E) **Entry to Perform Duties under this Article.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this article and regulations and may make or cause to be made such examinations, surveys or sampling as the Department of Public Works deems reasonably necessary.

(F) **Appeals.** The decisions or orders of the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

(G) **Remedies Not Exclusive.** The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 565-17. - Severability.

(A) If any provision, paragraph, sentence, or clause, of this article shall be held invalid for any reason, all provisions shall continue in full force and effect.

