

**Regular Meeting Minutes**  
**April 11, 2023**

Members present: Mark M. Schafron/*Chairman*, Robert J. Swartz/*Vice Chairman*, Robert J. Bettez, Sr., Paul A. Cormier, Stephen Cormier.--*Members*, and Trevor Beauregard/*Director-City Planner*.

Members absent: *None.*

Also present: Rob Oliva-*City-Engineer*, Christine Fucile-*Adm. Asst.*, Alan & Susan Rousseau, Thomas Esposito, John Barry, Martin Gray, David Antaya-*Gardner Residents*, Tom & Emma Ellsworth, and Steve Rawson-*Mt. Grace Land Conservation Trust*, Vicki Heidorn-*Gardner Resident*, Bob Speed-*Winchendon Resident (signed attendance sheet on file)*.

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

***Mr. Schafron called the meeting to order at 6:30 p.m.***

**1. APPROVAL OF MINUTES:**

- ✓ *March 22, 2023*
- ✓ *March 29, 2023*

T. Beauregard indicated the minutes are not included this evening due to the fact that he did not have time to review two lengthy sets of meeting minutes, however, they will be included for the next meeting.

**2. NEW BUSINESS:**

**2.1** None.

**3. OLD BUSINESS:**

**3.1 City Council Zoning Amendments – Final Recommendations:**

**Mr. Schafron stated the Planning Board will discuss making their “Final Recommendation” to the City Council regarding certain Zoning Amendments.**

The first is **10891** – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled “Zoning,” to Change the Classification of Certain Parcels of Land Along Route 140.*

The second is **10892** – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to add “Sports Betting” to the Zoning Table of Uses.*

The last is **10893** – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to increase the quota allowed by the Code of the City of Gardner.*

## **DISCUSSION**

### **#10891 – Parcels of Land Along Route 140**

#### **Mr. Schafron:**

Stated he has been doing a lot of thinking about this and originally he was a no vote at the preliminary recommendation but after the Joint Public Hearing and public comment as well as the Mayor’s revised petition, found himself on the fence. Further stated he certainly is in favor of economic development but still hung up on a few things regarding this petition. First of all is the watershed and with proposing new commercial parcels in close proximity to watershed, “*Is this something you can do?*” *YES.* “*Is this something you should do?*” *I’M NOT SO SURE.*

Next, with regard to Maps. Mr. Schafron commented he was rooting around the City GIS mapping and noticed an issue with parcel M47-24-1 which is on the north side of 140. The City GIS shows parcel size to be 124 acres as shown on the map provided in the partially shaded orange color. Also, noted a small corner on the map shaded in red for watershed land (Zone C). In the narrative of the Mayor’s petition the Mayor identified the entire parcel to be rezoned, however a smaller portion of the parcel, which is about 57 acres (*give or take*) is shown on the map included in the Mayor’s petition. So, the question is, which is it, 124 acres or 50 odd acres which needs to be nailed down. Lastly, regarding the Open Space and Recreation Plan marking those parcels as permanent open space which are M47-24-1 and M47-22-1. The Mayor’s assertion the Open Space Plan is not a binding law or ordinance, which is correct, but the plan exists to guide how the City protects and manages City-owned designated open space which has been voted on and accepted by the Conservation Commission, the Planning Board, the City Council and has been accepted and endorsed by previous Administrations. Mr. Schafron commented he feels, as such, it should at least carry some weight in these discussions, and cannot simply dismiss it when its strictures are inconvenient to another goal. In addition, Mr. Schafron said he is not terribly comfortable setting a precedent that an Administration can potentially point to when it decides some other piece of open space needs to be sold especially when there is so much infill left to do.

Mr. Schafron looked to the Planning Board and stated these are his thoughts and can open them to debate and/or discussion. *R. Bettez* thought the Planning Board already sent their recommendation to the City Council. **Mr. Schafron** explained a petitioner goes to the City Council wanting a zoning change, City Council takes the petition and sends it to the Planning Board for review and comment, which is the preliminary recommendation. After this, is the Joint Public Hearing with the City Council and Planning Board including public comment from interested parties, and then goes back to the Planning Board for “Final” recommendation. After the “Final” recommendation it goes back to the City Council to take a vote on it.

#### **R. Swartz:**

Stated he would like to consider a re-consideration of a vote taken at the last meeting. Again, he is in favor of keeping the land as natural as possible, but the City has very few areas for development. As the Mayor has said with the growth the City has gotten internally in the last couple of years, it still continues to grow, there is open land and other companies are interested

so this is an opportunity to change the classification of some property within the City for increased development for business and believes the Planning Board should take this opportunity and vote in the affirmative to change to Commercial 2. Further, noted there are other rules and regulations within the City as well as other Boards such as Zoning Board, and Conservation Commission who will probably have a severe play in approving or not approving an opportunity that might come about if the classification did change that property. So, by not doing anything and just saying a flat “NO”, he thinks this is a dis-service to the City and thinks the Planning Board should change its mind and change it to Commercial 2. **Mr. Schafron** commented he appreciates his input and his position and asked, how do you reconcile opening up open space that has been used for recreation for a long time to potential commercial development especially with the parcels the City already has that have not yet been developed. **Mr. Schafron** said one property is Garbose land which is available for development and is already zoned, so this is where he gets hung up because there is available commercial land for infill rather than going out and taking out more.

**S. Cormier:**

Said after hearing testimony of open meetings and discussions, he believes this land should remain as it is now. Further, the City has had this land for so many years and it abuts the City’s water supply. It is a jewel and something the City will never get back again, and to have that as Commercial, does not believe this is the right way to go. In addition, he believes there are other economic ways of bringing Commercial development into the City through other areas.

**P. Cormier:**

Noted his opinion has not changed either on this matter as heard at last meeting and therefore should leave this as is.

**R. Bettez:**

Commented he is on the fence as well and stated he does not think the City needs more commercial land. *R. Swartz* asked why is that. **R. Bettez** answered because the City already has parcels that are not being used. *R. Swartz* replied depending on the type of business that may be, but 140 is a major thoroughfare going through the City and that is why somebody probably would like to develop there as opposed to Garbose and S. Bent properties because it is the traffic that goes through there for types of businesses that depend on a great deal of traffic.

*P. Cormier* remarked we could go back and forth but would like to make a motion. *Mr. Schafron* replied yes, they are all debated out and agreed.

***Motion to recommend NOT approving the zoning amendment #10891 to change certain parcels of land on Route 140 from Rural Residential 2 to Commercial 2.***

**P. Cormier/S. Cormier.**

**VOTE: 3 YES / 2 NO**

***M. Schafron: Yes***

***S. Cormier: Yes***

***P. Cormier: Yes***

***R. Swartz: No***

***R. Bettez: No***

**#10892 – Sports Betting**

Mr. Schafron recapped the Planning Board all voted in the affirmative at the last meeting regarding adding this to the “Zoning Table of Uses” since sports betting is now legal in the Commonwealth and should something come along, the City now has the appropriate zoning. In addition, the Planning Board made the stipulation they would like to see that by action of a Special Permit through the Planning Board. T. Beauregard replied yes. Mr. Schafron asked if there are any further thoughts or discussion.

*Motion to recommend approval of the Ordinance change on #10892, as Final Recommendation to the City Council along with proposed Planning Board edits noted at the public hearing.*

P. Cormier/R. Bettez.

**VOTE: 5 – 0**

**M. Schafron: Yes**

**S. Cormier: Yes**

**P. Cormier: Yes**

**R. Swartz: Yes**

**R. Bettez: Yes**

**#10893 - Marijuana**

Mr. Schafron stated this was also discussed at the last meeting and all were in favor and asked if there were any further thoughts or feelings.

*Motion to recommend approval of #10893 as Final Recommendation to the City Council.*

R. Bettez/P. Cormier.

**VOTE: 5 - 0**

**M. Schafron: Yes**

**S. Cormier: Yes**

**P. Cormier: Yes**

**R. Swartz: Yes**

**R. Bettez: Yes**

**4. ANNOUNCEMENTS~~NEWS~~ARTICLES~~EVENTS:**

- ... Registry of Deeds Recording of Plans Yearly Form – *Signatures needed*
- ... Next Meeting: *Tuesday, May 09, 2023 at 6:30 p.m.*

*Mr. Schafron directed to T. Beauregard regarding a tentative Site Walk and if confirmed. T. Beauregard replied yes it will be next Thursday, April 20, 2023, at 3 p.m. off Clark Street and will reconvene about an hour and a half later to have a working session with a Developer.*

**Adjournment**

*Motion to adjourn.*

R. Bettez/R. Swartz.

**Vote: 5 - 0**

The meeting adjourned at 6:50 p.m.

All documents referenced or used during the meeting are part of the official record and are available in the Department of Community Development and Planning pursuant to the Open Meeting and Public Records Law.