

Regular Meeting Minutes
AUGUST 22, 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-Administrative Assistant, Please see Sign-in Sheet for additional attendees.

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, Chairman called the meeting to order at 6:30 p.m.

Mr. Schafron read aloud the announcement for any person making a video or audio recording of the open session of a meeting. Mr. Schafron asked if there is anyone here tonight that is recording. WBZ-TV, and The Gardner News.

1. APPROVAL OF MINUTES:

✓ *July 18, 2023*

Motion to approve minutes as presented.

R. Swartz/R. Bettez.

Vote: 5 – 0

2. NEW BUSINESS:

2.1 Ordinances to Amend the Code of the City of Gardner ~ Recommendations

Mr. Schafron stated the process for those who might not be familiar when it comes to Zoning amendments. Mr. Schafron explained only the City Council can change the Zoning of a parcel in the City. The Planning Board's role in those cases is to serve as "Advisors" before the City Council can make their decision. If an individual land owner wants to change the zoning of parcels of land, including land that they own, they petition the City Council; then the City Council sends it to the Planning Board for its review which is the step for the process tonight. The Planning Board makes a recommendation and it goes back to the City Council which they then schedule a joint Public Hearing on the matter so the public can weigh in, and after that it goes back to the Planning Board for a "final" recommendation which gets sent back to the City Council who then votes on the Zoning amendment.

11043 – *An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, entitled "Zoning," to Change the Classification of Certain Parcels of Land Along Route 140.*

Mr. Schafron commented they had no information provided for their meeting packets as well as any maps or charts. Mr. Schafron further commented the way it stands right now and he is

throwing this out there for discussion is, he believes they need clarification from the City law department on a couple of items based on lack of information. For the City Solicitor, Mr. Schafron stated he would like a determination on spot zoning because the argument could be made on both sides of the coin. Is this spot zoning, maybe, maybe not and believes the City Solicitor can make that determination. Second, would like a determination of the status of the land with regard to Article 97, the amendment to the Massachusetts Constitution which speaks to residents having a right to the quality of life that clean water and undeveloped open space can provide. There is also some parameters cited that are open to interpretation. Mr. Schafron stated is Article 97 in play with this particular requested zoning change, could be, maybe not, he does not know, so again, he believes they should have the City Solicitor examine both Spot Zoning and Article 97 status to give the Planning Board a determination so they can provide an informed opinion to the City Council rather than guessing.

Mr. Schafron asked the Planning Board for their thoughts. Mr. Steve Cormier concurred and would like it moved and pushed to the law department at this time for clarification. Mr. Swartz seconded.

Motion to request from the City law department determination on Spot Zoning as well as a determination on the status of the land with regard to Article 97 in the case of this amendment request.

S. Cormier/R. Swartz.

Vote: 5 – 0

11045 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Amend Section 1070 thereof, entitled, “Marijuana Establishments” to Change the Method to Increase the Quota allowed by the Code of the City of Gardner.

Mr. Schafron asked T. Beauregard if any additional information has come in since the last time. T. Beauregard commented he did not know if there is anyone here tonight that can address any questions. Mr. Schafron asked if a proponent is here tonight. T. Beauregard noted Councilor Heath is the proponent. Mr. Schafron looked around and asked if Councilor Heath was in attendance tonight. Since Councilor Heath was not in attendance, Mr. Schafron asked the Planning Board if they wanted to vote on this again, or they could also postpone this one as well.

Motion to postpone 11045 zoning amendment to the Planning Board’s September meeting.

S. Cormier/P. Cormier.

Vote: 5 – 0

11046 – An Ordinance to Amend the Code of the City of Gardner, Chapter 675 thereof, entitled “Zoning,” to Add “Sports Betting” to the Zoning Table of Uses.

Mr. Schafron said the last time this was looked it would have been by special permit in Commercial I and Commercial II, and asked if the Planning Board would like to put this to the next meeting as well. T. Beauregard stated he has a couple of questions about this and does not believe they can be addressed now since the Petitioner is not present to answer. Mr. Schafron stated he will make that motion.

Motion to move #11046 zoning amendment to the Planning Board’s September meeting.

M. Schafron/S. Cormier.

Vote: 5 – 0

Mr. Schafron asked if there is any further discussion.

T. Beauregard inquired to Mr. Schafron if he should request the presence of Councilor Heath for the Planning Board's next meeting. Mr. Schafron replied yes.

3. OLD BUSINESS:

None.

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

P. Cormier stated there are some conflicts for the next meeting and asked if it can be changed to the next Tuesday, September 19th.

Next Meeting: Tuesday, September 19, 2023 at 6:30 p.m.

Adjournment

Motion to adjourn.

R. Bettez/R. Swartz.

Vote: 5 – 0

The meeting adjourned at 6:41 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.