

PLANNING BOARD  
Regular Meeting Minutes  
April 12, 2022

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

Members absent: *Paul A. Cormier.*

Also present: Rob Oliva-City Engineer, Christine Martines Fucile-DCDP, Joanne Tavano and Attorney Christine Tree-Representatives for West Broadway Project.

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.
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*Mr. Schafron called the meeting to order at 7:00 p.m.*

**1. APPROVAL OF MINUTES:**

Motion to approve meeting minutes of March 8, 2022.

**R/ Bettez/R. Swartz.**

**Vote: 4 – 0**

*(P. Cormier absent)*

**2. NEW BUSINESS:**

**0 West Broadway Project – Informal Meeting/Discussion:**

T. Beauregard stated the Applicant requested an informal meeting with the Planning Board to discuss the proposed project at 0 West Broadway in Gardner consisting of a multi-family development in Commercial 2 zone. In addition, interested in permitting through the Smart Growth Planned Unit Development.

Attorney Christine Tree of 515 Main Street, Fitchburg, MA, introduced herself and explained they were originally before the ZBA requesting a Use Variance for this project which was denied with two in favor and one against, therefore are looking at the Smart Growth provisions as an alternative for this project. The subject parcel started out as a 4.431-acre parcel. Attorney Tree displayed the parcel on the plans and pointed out C2 and R2 zones at the very end of West Broadway abutting and crossing over the Templeton line.

Attorney Tree continued to explain after the project was denied, which will be 26 townhouse style residential units, of which 18 to be located in Gardner (4 buildings), and 8 in Templeton, but serviced by West Broadway. After the ZBA, looked for another resolution for the project

and examined whether Smart Growth provisions would be permissible. There are several challenges looking at this parcel that cannot be changed due to issues about where the parcel is, what it is, and where it is. If these are challenges that cannot be changed it makes this project inappropriate for Smart Growth, would want to have an indication of this from the Planning Board, as well as any other comments as to what needs to be on the plan. Attorney Tree further said the Smart Growth Provisions have a purpose statement to them which states the reason these regulations exist is to promote compact mixed-use development, and the development should be convenient to a variety of transportation options, as well as promote the creation of new housing units that are contained in a variety of building types and laid out in a manner to promote the establishment of a pedestrian oriented neighborhood. As far as a pedestrian oriented neighborhood, this parcel at 0 West Broadway (*pointed out on plan*) is of course not serviced by sidewalks, and is surrounded by other residential buildings, as well as the PACC (Polish American Citizens Club) location which would be the vicinity for a destination to go to within about a quarter of a mile. Since there are no sidewalks, unsure if this would be too much of a burden to overcome, as well as no bus service. The airport is not walkable as well, and unsure if this would be considered a transportation option since it is not serviced by a bus line.

Attorney Tree added the Applicant purchased additional parcel of land, therefore is larger than originally started with.

Attorney Tree stated mixed-use was not something they contemplated in this plan because the character of the neighborhood seemed opposed to it, despite the fact that the district is C2, seems to be pretty much a residential district, and adding a commercial union to have a mixed-use did not seem to be in character with the neighborhood. In addition, there are a number of challenges presented by this, with things that cannot be changed, therefore, one of the other options the Applicant can do is seek a zoning map change from C2 to C1 for basically that whole district. Currently, asking permission for part of the parcel for development, and in the future, the Applicant plans to develop the rest of the parcel with approximately 60 units, and will be a 15-million-dollar project.

Attorney Tree asked if the Board had any questions.

R. Swartz asked if there are any water mains in that area. Attorney Tree replied yes, and would have to be brought in which adds to the project costs. R. Swartz asked City Engineer, Rob Oliva, if such a capacity would affect the Gardner water/sewer system. R. Oliva stated it will not affect. T. Beauregard added this would have to be looked at in more detail, and asked to confirm how many units. Attorney Tree said the first phase will consist of 26 units, and the second phase will consist of 60 units. R. Oliva remarked the City will want to see use numbers and flows potential from the project at it's full build out so they can look at that, but for the most part, it is probably not a problem.

S. Cormier stated it seems like most of the high points for Smart Growth are missing as far as what is required, and what is there such as needing transportation, which is not there, creation of new housing units, or variety of building types which is not and is pretty much cookie cutter. In addition, establish pedestrian oriented neighborhoods, and his feeling is none of these highlights have been reached under the Smart Growth plans.

Mr. Schafron suggested if they were to pursue this under Smart Growth, they would have to get very creative with their plans because he does not see this happening either.

R. Swartz brought up the airport with regard to paths mentioned earlier, and his suggestion not to use that at all because obviously there are no airlines there, and it is really for private owners of airplanes, and being a former pilot, you frown upon people walking on the runway . Mr.

Schafron added the airport is not viable as a transportation option as it is a little private airport, as well as no commercial traffic. It is a fuel stop for private pilots going through.

R. Swartz noted the PACC (Polish American Citizens Club) mentioned earlier, and said you would have to be a member and is not really open to the public. However, if some of the residents are of polish heritage, they certainly would be welcome to join. If they are not polish, there has to be a connection to the polish heritage in order to join even as an associate member. Therefore, this would not be a very strong point as far as the pedestrian path is concerned.

R. Bettez asked is they have any rights on the water of Kendall Pond. Attorney Tree replied no, not for this Applicant. T. Beauregard noted the larger parcel (11 acres) out back does back up to the PACC and believes it does not get to the PACC water. Attorney Tree said it does back to the PACC substantially on one boundary, but it does not get to the water at all.

T. Beauregard asked if Attorney Tree could address the open space requirement on the site. Attorney Tree replied so far as a common open space, only 22.9% is used, 77% remains open and vacant. The design at the beginning included some open space in the nature of a patio, a basketball court, and a dog area for the pet owners. Attorney Tree asked Ms. Tavano, Applicant if this open space is still on the revised plan. Ms. Tavano said she was going to push back a bit, so they are not 1.6 inside. T. Beauregard asked if pushing back would inhibit future development. Ms. Tavano said there will be a 50-foot buffer and will include as many trees as possible, and the 1.6 makes more sense. In addition, it will be a common area for both neighborhood, as well as the remaining 11-acre parcel. Further, contemplating putting a small one on 11-acre parcel with a walking trail.

Attorney Tree explained the structures on this phase of the project are expected to be condominiums, to be sold, and noted there is very little condominium housing in Gardner.

Attorney Tree explained one of the issues in front of the zoning board was whether or not a fire access road should be allowed for along the edge of the property, and noted an old cart path within the 50-foot buffer that can be made available for a fire path if that were something the board would like to see. T. Beauregard said in his opinion does not think a separate access road is necessary, but would like the Fire Department to speak to this.

Attorney Tree displayed an outline of the C2 district, and commented they did a zoning analysis of the C2 district, and found out of 28, only seven (7) of them were conforming. Even when this district was first implemented, the thought was that this is a state route and would encourage commercial development along this route, therefore designated it C2, but in actuality it seems there has been a residential development in this area. Further, Attorney Tree suggests a change of this district to COM 1 would allow these residential uses, which are now non-conforming to be conforming. It will still allow commercial development along the corridor in the future if that claims to be appropriate for the area. The industrial uses would remain pre-existing, non-conforming to the extent they currently are, and for this project, would like to extend COM 1 district through their parcel (*pointed out on plan*) including the 11-acre parcel.

Mr. Schafron commented, in his personal opinion, if their decision is not to go the Smart Growth route, should pursue zoning change through the City Council. T. Beauregard added, as he said in one of his emails to her, if that were the route her client would like to take, it would be helpful to sit down and have a discussion because there is more than one potential option to pursue. Attorney Tree said she is not going to seek a change just for her client's parcel because it would be subject to spot zoning. In addition, looking at the district as a whole, given that so

many parcels are in use right now, bringing it back into conformity in the majority of parcels would be beneficial to the parcel owners as well.

R. Bettez asked how long the road is that goes out to the cul-de-sac. Attorney Tree answered approaching 700 feet, and with the future project, could exceed 900 feet. A picture was displayed of the condominiums, and will include a one car garage, two to three bedrooms, almost 1500 square feet with an additional dedicated parking space in front of the garage in the driveway. Attorney Tree added one of the provisions of the Smart Growth is to provide 20% affordable housing units, however, this was contemplated to be a market rate project. Further, it is one of the provisions that is not waivable by the Planning Board, therefore, will affect their ability to receive the project, and the cost factor on each individual unit on the project exceeds what they believe the affordable housing price level will be, so need to look for additional funding source available from the State in order to support the project, or manage the costs between units to make it possible to do.

The costs go up substantially having to bring the road water and sewer out. Ms. Tavano noted the first phase of the sewer engineering will cost one-million dollars. In addition, Ms. Tavano noted the first 16 units will be sold in order to receive some funding, and after that, will keep the rest for rentals.

### **3. OLD BUSINESS:**

#### **3.1 538 Clark Street Decommissioning Bond ~ Update:**

T. Beauregard explained he just sent back a new bond with revisions and comments, and for some reason one was left out, therefore, will need to respond back to them to discuss before the Planning Board takes any action.

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

- ... Next Meeting ~ Tuesday, May 10, 2022 – 7 p.m. – *Since a few members are unable to attend, It was agreed to hold the next Planning Board meeting on Tuesday, May 24, 2022 at 7 p.m. since there will be a Special Permit Public Hearing.*
- ... Article presented in Telegram & Gazette – *T. Beauregard commented this particular article included Gardner.*

#### Adjournment

***Motion to adjourn.***

***Vote: 4 – 0***  
*(P. Cormier absent)*

**R. Bettez/S. Cormier.**

**The meeting adjourned at 7:32 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.