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**CITY OF GARDNER
NOTICE OF JOINT PUBLIC HEARING
ZONING AMENDMENTS**

Pursuant to M.G.L. c.121A §6B, notice is hereby given that the Gardner City Council and Planning Board will hold a joint public hearing on **Tuesday, July 6, 2021 at 7:00 P.M** in the City Council Chamber, City Hall 2nd Floor, 95 Pleasant Street, Gardner, MA 01440, to consider amending the Code of the City of Gardner, Chapter 675, Section 530, entitled "Development Overlay District1". The proposed Amendment is available for viewing in the City Clerk's Office, the Department of Community Development & Planning (DCDP), or on the City Council's webpage - <https://www.gardner-ma.gov/324/City-Council> under *Informational Documents*. All Persons interested in this matter and desire to offer testimony are invited to attend the hearing.

TITI SIRIPHAN
CITY CLERK

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



June 17, 2021

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

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GARDNER, MA

Subject: Zoning Amendment - Development Overlay District 1

Dear President Kazinskas:

At the Planning Board meeting held on Tuesday, June 8, 2021, the Planning Board voted unanimously to recommend not approving the amendment to the Development Overlay District 1 referenced above. The Planning Board was not provided sufficient information to make a determination to support this amendment.

Please do not hesitate to contact Trevor Beauregard, Director of Community Development and Planning, if you have any questions or need additional information.

Sincerely,

Mark Schafroff
Chairman

Cc: Mayor
Planning Board
City Council
Trevor Beauregard, Director

ORDINANCE

An Ordinance to Amend the Code of the City of Gardner, Chapter 675, Section 530, Entitled “Development Overlay District 1” to add a subsection “H” as follows:

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

§ 675-530. Development Overlay District 1.

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

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

E. Dimensional requirements.

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

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

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

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

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

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