

GARDNER CITY COUNCIL
PUBLIC WELFARE COMMITTEE
MINUTES OF THE MEETING OF MARCH 2, 2020

Councillor Scott Joseph Graves, Chairman of the Public Welfare Committee, called the meeting to order at 6:45 p.m. in the City Council Chamber, Room 219. Committee member Councillor Judy Mack was also present. Councillor James Boone was absent. City Clerk Alan Agnelli was also present.

Minutes of Prior Meetings

On a motion by Councillor Judy Mack and seconded by Chairman Scott Joseph Graves, it was voted to accept the January 15, 2020 Meeting Minutes, as printed.

#10207, An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled “Zoning,” to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows (In City Council and Referred to Public Welfare, 11/18/2019).

Chairman Graves noted that the Public Hearing was held and that resident Chris Pera offered several suggestions. The Planning Board then submitted recommended changes to the City Council. He spoke with Roland Jean and he said that he is fine with the Planning Board’s recommended changes to “curb lines.”

On a motion by Councillor Judy Mack and seconded by Chairman Graves, it was voted to recommend to the City Council that the following Ordinance be ordered to First Printing (AMENDED TO INCORPORATE THE PLANNING BOARD’S RECOMMENDATIONS OUTLINED IN ITS FEBRUARY 3, 2020 CORRESPONDENCE (Changes are yellow-highlighted)).

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED “ZONING,” TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

Within an area formed by the **curb** lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their **street** grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over **3** feet above the street grade within an area formed by the intersecting **curb** lines and straight line joining the point of said **curb** lines **30** feet back from their points of

GARDNER CITY COUNCIL
PUBLIC WELFARE COMMITTEE
MINUTES OF THE MEETING OF MARCH 2, 2020

intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

Adjournment

On a motion Councillor Judy Mack and seconded by Chairman Graves, it was voted to adjourn at 6:52 p.m.

PRESIDENT
James M. Walsh, Esq.
COUNCILLORS AT LARGE
James S. Boone
Craig R. Cormier
Ronald F. Cormier
Scott Joseph Graves, Esq.
Judy A. Mack
George C. Tyros

CITY OF GARDNER
MASSACHUSETTS 01440-2630

OFFICE OF THE
CITY COUNCIL



WARD 1 COUNCILLOR
James M. Walsh, Esq.

WARD 2 COUNCILLOR
Elizabeth J. Kazinskas

WARD 3 COUNCILLOR
Nathan R. Boudreau

WARD 4 COUNCILLOR
Karen G. Hardern

WARD 5 COUNCILLOR
Aleksander Dernalowicz, Esq.

February 25, 2020

PUBLIC WELFARE COMMITTEE MEETING

Date: Monday, March 2, 2020
Time: 6:45 p.m.
Location: City Council Chamber, Room 219, City Hall

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 Chair, pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

- I. Review and Approval of the January 15, 2020 Meeting Minutes.
- II. #10207, An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows (*In City Council and Referred to Public Welfare, 11/18/2019; Public Hearing, 1/21/2020*).
- III. Other Business.
- IV. Adjournment

NOTICE: The listing of Agenda items are those reasonably anticipated by the Chair which may 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.

CITY COUNCIL OF GARDNER
Scott Joseph Graves Esq.
Councillor Scott Joseph Graves, Esq.
Chairman, Public Welfare Committee

GARDNER CITY COUNCIL
PUBLIC WELFARE COMMITTEE
MINUTES OF THE MEETING OF JANUARY 15, 2020

Councillor Scott Joseph Graves, Chairman of the Public Welfare Committee, called the meeting to order at 4:00 p.m. in the City Council Chamber, Room 219. Other Committee members present were Councillors James Boone and Judy Mack.

Community Development and Planning Director Trevor Beauregard and City Clerk Alan Agnelli were also present.

Chairman Graves outlined the departments and offices within the Public Welfare Committee's purview, as follows: Gardner Municipal Airport, Council on Aging, Cultural Council, the Commission on Disability, Golf Course, the Greenwood Memorial Pool, Historical Commission, the Levi Heywood Memorial Library, Recreation, the Veterans Agent, Weights & Measures, the Youth Commission, Planning Board, Zoning Board of Appeals, the Gardner School Department, and the Montachusett Regional Vocational Technical School District.

Minutes of Prior Meetings

On a motion by Chairman Scott Joseph Graves and seconded by Councillor Judy Mack, it was voted to accept the September 25, 2019 Meeting Minutes, as printed.

#10207, An Ordinance to Amend the Code of the City of Gardner, Chapter 675 Thereof, Entitled "Zoning," to Amend Section 675-610, General Requirements, Sec. F and Section 675-1050, Fences and Hedgerows (In City Council and Referred to Public Welfare, 11/18/2019; Joint Public Hearing scheduled January 21, 2020 at 7:00 p.m.)

Community Development and Planning Director Trevor Beauregard informed the Committee that the proposed amendment would clear up inconsistencies with two sections of the Zoning Code. He said that Building Commissioner Roland Jean identified a provision where the sketch states a distance of 30 feet for corner clearance while the text of the Code states 15 feet, so the sketch should also reflect 30 feet. Also, under Chapter 675-1050, Fences and hedgerows, Mr. Jean pointed out that the Code currently states that at corners, no fence or hedgerow shall be allowed to block vision over 2½ feet above street grade. He recommended that the distance be increased to 3 feet.

Chairman Graves questioned the reason that the word "unclimbable" is included with the description of fences, as it seems unnecessary to him.

Mr. Beauregard stated that the word is included in the text of the current Code.

On a motion by Councillor James Boone and seconded by Councillor Judy Mack, it was voted to recommend to the City Council that the following Ordinance Amendment be ordered to First Printing:

**GARDNER CITY COUNCIL
PUBLIC WELFARE COMMITTEE
MINUTES OF THE MEETING OF JANUARY 15, 2020**

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

Adjournment

On a motion Councillor James Boone and seconded by Councillor Judy Mack, it was voted to adjourn at 4:18 p.m.

10207

CITY OF GARDNER

RECEIVED



DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

RECEIVED
CITY CLERK'S OFFICE
GARDNER, MA

RECEIVED
2020 FEB -3 PM 3:28
CITY CLERK'S OFFICE
GARDNER, MA

February 3, 2020

President James M. Walsh
C/o Alan Agnelli, City Clerk
City Hall
Gardner, MA 01440

Re: **Re: Proposed Zoning Amendment for Corner Clearance, and Fence and Hedgerows Clearance**

Dear President Walsh:

At its meeting on January 21, 2020, The Planning Board voted unanimously to recommend that the City Council approve the proposed amendment noted above with the minor modification from the City Engineer and Planning Director as follows:

1. Section 675 – 610 General Requirements, Section F:

Currently reads as:

F. Corner clearance

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.

Initial Proposed Change presented at Public Hearing (proposed changes are in bold and underlined):

F. Corner clearance

Within an area formed by the side lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of **3** feet and a height of eight feet above the plane through their **street** grades.

Proposed Change as a result of Public Hearing (proposed changes are in bold and underlined):

F. Corner clearance

Within an area formed by the curb lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of **3** feet and a height of eight feet above the plane through their street grades.

Explanation: Change “side lines” to “curb lines” to address Public Hearing comments and remain consistent with Chapter 675-1050.

1. Chapter 675 – 1050 Fences and hedgerows:

Currently reads as:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.

Initial Proposed Change presented at Public Hearing (proposed changes are in bold and underlined):

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over **3** feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line **30** feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over **3** feet above the street grade for a distance of 15 feet along driveways immediate in location.

Proposed Change as a result of Public Hearing (proposed changes are in bold and underlined):

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting curb lines and straight line joining the point of said curb lines 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Explanation: Change “street lines” to “curb lines” to address Public Hearing comments and be consistent with Chapter 675-610.

These proposed minor changes take into consideration comments received at the Joint Public Hearing held on January 21, 2020. The Planning Board respectfully requests that the City Council move forward with approving the proposed zoning amendment as submitted herein. Please contact Trevor Beauregard if you have any questions, concerns, or need additional information.

Sincerely,

Mark M. Schafron
Chairman

ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675 THEREOF, ENTITLED "ZONING," TO REVISE ARTICLE VI, DENSITY AND DIMENSIONAL REGULATIONS, AND ARTICLE X, SUPPLEMENTAL REGULATIONS.

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

Section 1. Section 675–610. General Requirements, Section F, of the Code of the City of Gardner, is amended by deleting and repealing Section F in its entirety and inserting in place thereof, the following:

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their street grades.

Section 2. Section 675–1050. Fences and hedgerows, is hereby amended by deleting and repealing Section 675-1050 in its entirety and inserting in place thereof, the following:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Section 3. This Ordinance shall become effective upon passage and publication as required by law. Any claims of invalidity by reason of any defect in the procedure of adoption may only be made ninety days after the posting or the second publication.

CITY OF GARDNER

DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING

November 4, 2019



President Scott J. Graves, Esq.
Gardner City Council
C/o Alan Agnelli, City Clerk
Gardner, MA 01440

Re: Proposed Zoning Amendment for Corner Clearance, and Fence and Hedgerows Clearance

Dear President Graves:

At its meeting on October 7, 2019, the Planning Board voted unanimously, 4-0, to recommend that the City Council consider amending the City Zoning Code Chapter 675 – 610 General Requirements, Section F; and Chapter 675 – 1050 Fences and hedgerows as follows:

1. Section 675 – 610 General Requirements, Section F:

Currently reads as:

F. Corner clearance

Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.

Change to (proposed changes are in bold and underlined):

F. Corner clearance

Within an area formed by the side lines of intersecting streets and a line joining points on such lines **30** feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of **3** feet and a height of eight feet above the plane through their **street** grades.

Explanation: The Zoning Code shows a diagram in this section that depicts the corner clearance as 30 feet. Based on input from the Building Commissioner, City Engineer, and Director of the Department of Public Works, the Planning Board requests the narrative for corner clearance be consistent with the diagram at 30 feet. Changing 3 ½ feet to 3 feet, and curb plane to street plane makes this Section consistent with Section 675-1050 below.

2. Chapter 675 – 1050 Fences and hedgerows:

Currently reads as:

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.

Change to (proposed changes are in bold and underlined):

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Explanation: Based on input from the Building Commissioner, City Engineer, and Director of the Department of Public Works, the Planning Board requests the narrative for fences and hedgerows be consistent with Section 675-610 in order effectively and consistently enforce the City's Zoning Code. Correspondence from the Building Commissioner requesting said changes is attached hereto.

The Planning Board respectfully requests a joint public hearing with the City Council in order to present this information and address any questions and concerns that arise. Please contact Trevor Beauregard if you have any questions or need additional information.

Sincerely,



Mark M. Schafron
Chairman

- Cc: Mayor
- Planning Board
- Building Commissioner
- City Engineer
- Director DPW



City of Gardner
Department of Inspectional Services
115 Pleasant Street, Room 101
Gardner, MA 01440
Tel. (978) 630-4007 Fax: (978) 632-3313

October 2, 2019

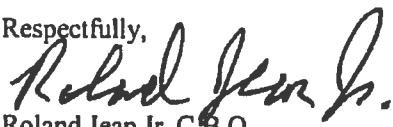
Dear Planning Board:

I would like to request a zoning change be made to the following City Code Chapters in order to make the code more consistent and better understandable:

- Zoning: Chapter 675 – 610 General Requirements, Section F
 - o Reads as: "Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 ½ feet and a height of eight feet above the plane through their curb grades.
 - o Change to: "Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 30 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 feet and a height of eight feet above the plane through their curb grades.

- Zoning: Chapter 675 – 1050 Fences and hedgerows
 - o Reads as: "Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 ½ feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.
 - o Change to: "Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 3 feet above the street grade within an area formed by the intersecting street lines and straight line joining the point of said street line 30 feet back from their points of intersection. Fencing and hedgerows running perpendicular to the streets shall not be allowed to block vision over 3 feet above the street grade for a distance of 15 feet along driveways immediate in location.

Please let me know if you have any questions or concerns.

Respectfully,


Roland Jean Jr. C.B.O.
Building Commissioner
115 Pleasant St.-Rm. 101
City Hall Annex
Gardner, MA 01440
(978) 632-1900 Ext. 8050
rjean@gardner-ma.gov

Mission Statement
To promote the safe and compatible development of the community through fair and consistent enforcement of building codes and zoning ordinances

City of Gardner, MA
Thursday, November 14, 2019

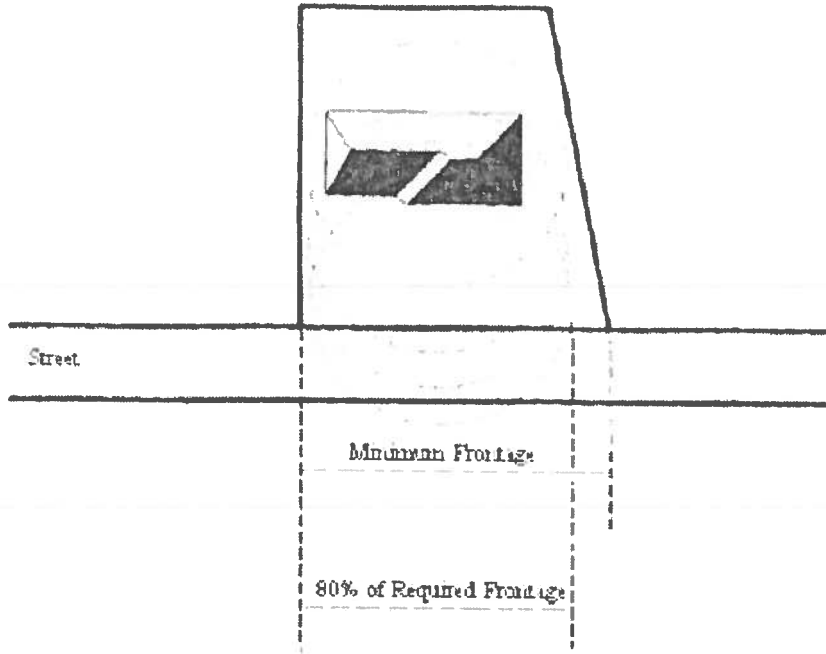
Chapter 675. Zoning

Article VI. Density and Dimensional Regulations

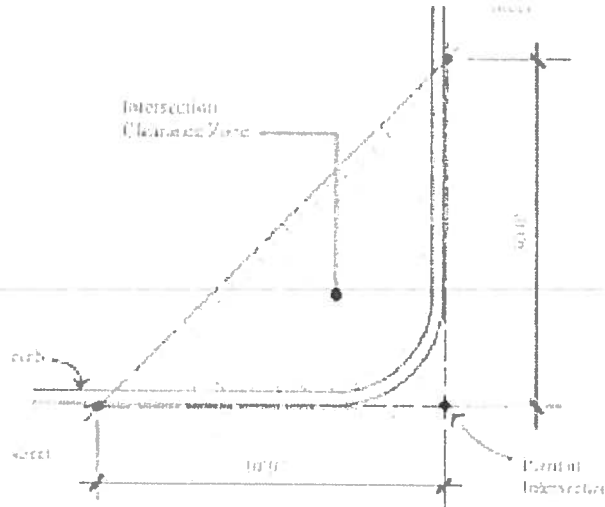
§ 675-610. General requirements.

(See the Table of Lot, Area, Frontage, Yard and Height Requirements included at the end of this chapter)

- A. A dwelling, building or any structure hereafter erected in any district shall not be located on a lot having less than the minimum requirements.
- B. A lot or parcel of land having an area or a frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section, provided that, at the time of building, such lot has an area of more than 5,000 square feet, has a frontage of 50 feet or more and is in a district zoned for residential use, and provided further that such lot or parcel of land was shown on a parcel or described in a deed duly recorded or registered at the time of the adoption of this chapter and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.
- C. All minimum yard dimensions required in the following schedule are to be measured from the relevant lot line.
- D. The limitation of height of buildings and structures in the following schedule shall not apply in any district to chimneys, ventilators, towers, spires, or other ornamental features of buildings, which features are in no way used for living purposes.
- E. All lots shall have a lot width such that the center of a circle having a minimum diameter of at least 80% of the required frontage of the lot can be passed along a continuous line from the lot line along which the frontage is measured to any and all points of the principal structure or proposed principal structure without the circumference intersecting any side lot line.



F. Corner clearance. Within an area formed by the side lines of intersecting streets and a line joining points on such lines 15 feet distant from their point of intersection or, in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no foliage maintained between a height of 3 1/2 feet and a height of eight feet above the plane through their curb grades.



§ 675-620. Table of lot, area, frontage, yard and height requirements.

The Table of Lot, Area, Frontage, Yard and Height Requirements is included at the end of this chapter.

§ 675-630. Infill development.

City of Gardner, MA
Thursday, November 14, 2019

Chapter 675. Zoning

Article X. Supplemental Regulations

§ 675-1050. Fences and hedgerows.

Fences dividing property or facing the street shall have the smooth or unclimbable side facing out. At corners, no fence or hedgerow shall be allowed to block vision over 2 1/2 feet above the street grade within an area formed by the intersecting street lines and a straight line joining the points of said street line 20 feet back from their points of intersection. Fencing and hedgerows running perpendicular to sidewalks shall not be allowed to block vision over 2 1/2 feet above the sidewalk grade for a distance of 15 feet along driveways immediate in location.