

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF GARDNER, CHAPTER 675,
THEREOF ENTITLED “ZONING,” TO CREATE A NEW SECTION TO BE ENTITLED
“HISTORIC PRESERVATION PROJECT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

SECTION 1: That a new Section 1180 be added to Chapter 675 of the Code of the City of Gardner to read as follows:

A. PURPOSE. The purposes of this section are to:

1. Encourage and provide incentives for the preservation and improvement of buildings, structures, and architectural elements of historical or architectural significance through redevelopment and/or reuse that provides a variety of allowed uses;
2. Preserve structures of significance to Gardner's shared history and neighborhood character for the education, appreciation and enjoyment of future generations;
3. Establish criteria for buildings, structures, and architectural elements to be eligible for preservation relief under this section;
4. Expand economic options for owners of historic or architecturally significant structures by broadening the permitted uses in specified zoning districts;
5. Permit flexibility of reuse and redevelopment options by modification of parking and dimensional requirements that might be an impediment to historic preservation; and
6. Support the Community Development Plan, Master Plan, and other planning efforts of the City.
7. To allow for the maintenance, preservation, restoration, renovation, repair, adaptive reuse, or in limited instances, relocation of historic or architecturally significant buildings, structures, or elements, which is of substantial benefit to the City and its neighborhoods and fulfills the purposes of this Zoning Ordinance.

B. APPLICABILITY

1. A Historic Preservation Special Permit may be issued for a Preservation Project in the zoning districts designated in the Table of Uses and modified from time to time.
2. An Historic Structure or Historic Site shall continue to be subject to all zoning regulations and exemptions applicable to it, including but not limited to site plan review, except as modified by a Special Permit granted pursuant to this section or any other grant of zoning relief by the Special Permit Granting Authority. This includes but is not limited to any available treatment of an Historic Structure or Site as a prior lawfully existing nonconforming structure or use.

C. ALLOWED RELIEF

1. After making the findings required by §675-1170(B), Special Permits, the Zoning Board of Appeals may grant a special permit for a Preservation Project which grants the following types of relief:
 - a. Permit uses permitted as of right or by Special Permit in another residential or commercial zoning district but not in the zoning district where the Preservation Project is located;
 - b. Permit multiple primary uses on the same lot or structure;
 - c. Modify or waive the standards for signs as set forth in §675-910 through §675-990;
 - d. Modify or waive the standards for parking and loading as set forth in Article VII, Off-Street Parking, Loading and Drive-Through Standards;
 - e. Modify or waive the standards for bed-and-breakfast homes, in-law apartments in §675-820, and home occupations in §675-830;

- f. Modify and waive standards and dimensional controls contained within the Senior Residential Development provisions of § 675-840 B. (1) and D.; and
- g. Modify the standards and dimensional controls of §675-620 and the Table of Lot, Area, Frontage, Yard and Height Requirements.

D. SPECIAL PERMIT PROCEDURES

1. The Zoning Board of Appeals may set forth procedures for the application for a special permit under this section, including proof that the application is for a Preservation Project.
2. A copy of each application shall be sent to the Historical Commission for review.
 - a. The Historical Commission shall provide a written recommendation to the Zoning Board of Appeals on whether the Preservation Project preserves the historical and architectural features of the Historic Structure or Site if completed according to the submitted plan. The recommendation of the Historical Commission is not binding on the Zoning Board of Appeals.
 - b. If the Historical Commission does not issue its written recommendation within sixty (60) days from the date of application, the Zoning Board of Appeals may proceed without any written recommendation.

E. DECISION CRITERIA AND FINDINGS

The Zoning Board of Appeals may grant a special permit for a Preservation Project upon its determination that the proposed relief will provide a benefit to the City by making a substantial contribution to the maintenance, preservation or restoration of an Historic Structure or Historic Site using the criteria set forth in §675-1170(B).

SECTION 2: That Chapter 675 be further amended by adding a new Section 34.A., to be entitled “Preservation Project” to the “Zoning – Table of Uses” to read as follows:

Description of Use	SFR1	RR2	GR3	COM1	COM2	IND1	IND2
34a. Preservation Project	SP	SP	SP	SP	SP	SP	SP

SECTION 3: That Chapter 675 of the Code of the City of Gardner, thereof entitled “Zoning,” be amended by adding the following definitions to Article II, §675-210(B), inserted in alphabetical order:

"HISTORIC STRUCTURE. A Historic Structure is defined as any building, structure, or other architectural element of historical, architectural or cultural significance that contributes value to the City, which shall be deemed satisfied if the building, structure or architectural element is included on any of the following lists or surveys:

1. National Register of Historic Places, except that the mere location of any building, structure, or architectural element within a Gardner Historic District included on the National Register of Historic Places is insufficient;
2. Massachusetts State Register of Historic Places;
3. Massachusetts Historic Commission Inventory of Historic Assets of the Commonwealth (MACRIS); or

4. Gardner Historical Commission Inventory of Historic Assets."

"HISTORIC SITE. Any natural, scenic or open condition or in agricultural, farming or forest use, to permit public recreational use which is included on any of the following lists or surveys:

1. National Register of Historic Places, except that the mere location of any building, structure, or architectural element within a Gardner

SECTION 4: This Ordinance shall take effect upon passage and publication as required by the General Laws of the Commonwealth and the Charter of the City of Gardner for all Zoning Ordinance procedures and timelines.

Historic District included on the National Register of Historic Places is insufficient;

2. Massachusetts State Register of Historic Places;
3. Massachusetts Historic Commission Inventory of Historic Assets of the Commonwealth (MACRIS); or
4. Gardner Historical Commission Inventory of Historic Assets."

"PRESERVATION PROJECT. A Preservation Project is defined as a change, modification or expansion of the use of an Historic Structure or Historic Site, or an alteration, restoration, modification, addition or expansion of an Historic Structure or Historic Site, or the lot on which it is located, which promotes the maintenance, preservation, restoration, renovation, repair, or adaptive reuse of an Historic Structure or Historic Site."

2. By amending Article VII, Off-Street Parking, Loading and Drive-Through Standards, §675-740, entitled "Relief from Parking Regulations", as follows:
 - a. Insert at the end of the first paragraph of §675-740 after the words "may be granted", "upon a finding that the detriment, if any, due to the waiver of any parking requirement is outweighed by the benefit to the City or the neighborhood of the proposed use."
 - b. Strike "pursuant to §675-1170, Special Permits:" from §675-740(A) without replacement.
 - c. Strike §675-740(A)(1) and (2) without replacement.
 - d. Strike from §675-740(B) the following words "where it determines the grant of a waiver would not be detrimental to the functioning of the site and would not create undue congestion of traffic hazards on or off the site" without replacement.
3. By amending §675-1170 B. (3) striking the words "provide adequate space for off-street" and inserting in their place "contain a plan to provide" and inserting at the end of the section "to serve the needs of the use".

The proposed amendments to the Zoning Ordinance will allow an owner of an Historic Structure or Site to seek additional methods of preserving a building of significance to the City through a Historic Preservation Special Permit from the Board of Zoning Appeals. Available relief would include expanded and multiple uses on the lot, modification of dimensional, parking and sign standards. Special Permit conditions would ensure that the Historic Structure or Site is properly maintained, re-used or restored. An Historic Preservation Easement has been discussed but is under legal review at this time.

The proposed amendments will further the purposes of Zoning as set forth in Section 675-110, "to encourage the most appropriate use of land throughout the City," and "to preserve the cultural, historical and agricultural heritage of the community." They will offer an incentive to property owners interested in historic, cultural or architectural preservation, but will not restrict property owners who do not seek relief or interfere with the economic growth or development of properties within the City.

The Petitioner Chair City Church is the owner of Parcel R27-21-7, which parcel would be affected by the zoning ordinance amendment pursuant to M.G.L. c. 40A §5, and is therefore eligible to Petition for this zoning ordinance amendment.

ATTACHMENT A

§675-1180 Historic Preservation Project

F. PURPOSE. The purposes of this section are to:

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J. DECISION CRITERIA AND FINDINGS

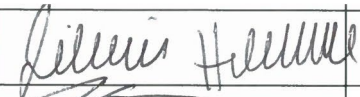
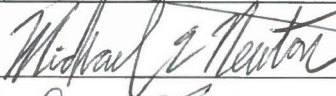
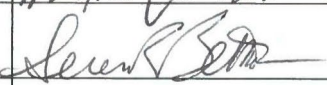
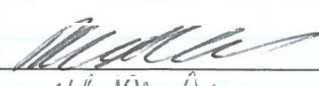
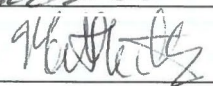
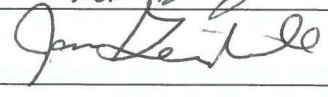
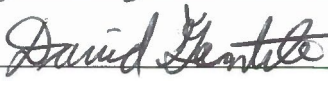
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PETITION FOR OF ZONING CHANGE ATTACHMENT B

This petition is in support of the attached Petition to the City of Gardner for a particular zoning change. By signing this petition, you are stating that:

1. You have read the proposed Historic Preservation Project zoning change;
2. You are currently registered to vote in the City of Gardner;
3. You are in support of the proposed Historic Preservation Project zoning change in its entirety; and
4. Are willing to serve as Co-Petitioners as needed.

Only signatures from currently registered voters in the City of Gardner will be counted. By signing this petition the signee is stating the above statements are true. This serves to verify Petitioners' standing under M.G.L. c. 40A, §5.

Name (print)	Signature	Address	Registered voter?
Jillian Hildebrand		177, 1/2 CL ('A--ke. \.. A-L>e & t°-□ Y'-c r y.l.h-	Yes // No
Walter Hildebrand		133 Barthel Ave. Gardner, MA	Yes // No
Michael Newton		55 Temple St. Gardner, MA	Yes // No
Serena Bettez		269 Lovewell St Gardner MA 01440	Yes // No
Walter C. Colledge		157 Pagan St Gardner MA 01440	Yes // No
Matthew Bettez		269 Lovewell St Gardner, MA	Yes // No
Krista Bettez		269 Lovewell St Gardner, MA	Yes // No
Jane Gentile		126 Prospect St Gardner, MA	Yes // No
C. Butler			Yes // No
Jackie Edme		62 Lincoln St Gardner, MA	Yes // No
David Gentile		126 Prospect St Gardner, MA, 01440	Yes // No
			Yes // No
			Yes // No

No. 1692.1

ORDINANCE

In City Council

May 5, 2025

Ordered Printed

June 16, 2025

 Clerk

Ordinance Passed

July 7, 2025

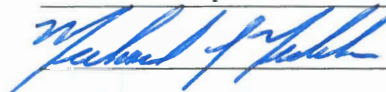
9 yeas, 0 nays.

 Clerk

Presented to the Mayor for Approval

July 10, 2025

Approved July 10, 2025

 Mayor

First Printing

June 20, 2025

Final Printing

July 15, 2025
