

GREENFIELD TOWN COUNCIL
Regular Meeting Minutes
November 20, 2013

GCTV-15

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:05 p.m. by President Wisnewski.

President Wisnewski stated this meeting was being recorded. If any other person present was doing the same, they must notify the chairperson at this time. It was noted the Town Council was audio recording and GCTV-15 was video recording the meeting for future broadcast.

ROLL CALL OF MEMBERS: Roll Call was taken. Councilor Athey was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Town Clerk Maureen Winseck; Assistant Town Clerk Deborah Tuttle; Chief Assessor Audrey Murphy; Town Accountant Elizabeth Braccia; Greenfield Housing Authority Director John Counter; GCTV-15 staff; Anita Fritz, *the Recorder*; and members of the public.

ACCEPTANCE OF MINUTES: On a motion by Councilor Allis, second by Councilor Devlin, it was unanimously,

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF OCTOBER 16, 2013.

PUBLIC COMMENT: Robert Sunderland, a member of the Sustainable Master Plan Committee, shared his concern and dismay with the negativity the Town of Greenfield was receiving regarding big box development. He asked the Council to help the town gain back civic pride and consumer confidence. He hoped the Council would not stand in the way of future developments and growth.

Bill Freeman, an employee of Western Mass Electric Company (WMECO), briefed the Council regarding the closing of the company's Greenfield location. He stated the President of the company announced to the employees that the building was under-utilized. Employees expressed concern with the disservice to Greenfield and Franklin County. He discussed the wait time that will occur with the move. He urged the Council to use their influence to keep the public utility company in Franklin County.

PUBLIC HEARING Councilor Allis read the following Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wednesday, November 20, 2013, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- Appropriate \$52,676.72 from the Sewer Fund retained Earnings Account for the purpose of paying bills relating to environmental inspection services of the sewer lines on and around the Lunt property.
- To adopt a residential factor in accordance with the provisions of MA General Laws, Chapter 58, Sec. 1A, which shall be used by the Board of Assessors to determine the percentages of the local tax levy to be borne by each class of real and personal property for fiscal 2014. The Assessors shall provide all information and data relevant to making such determination and the fiscal effect of the available alternatives. The hearing is required under Section 56 of Chapter 40, MA General Laws.

The Town Council will consider the same on Wed., November 20, 2013, at 7:00 p.m. at GCTV-15 Studio, 393 Main Street. Materials can be obtained from the Town Clerk's Office, 14 Court Sq. from 8:30 a.m.-5:00 p.m., Mon. - Fri. or phone 413-772-1555, ext. 112.

Councilor Allis held the following second readings:

- Appropriate \$52,676.72 from the Sewer Fund Retained Earnings Account for the purpose of paying bills relating to environmental inspection services of the sewer lines on and around the Lunt property.

President Wisnewski opened the Public Hearing at 7:19 pm. He asked if anyone from the public wished to speak. Seeing none, he noted the hearing would remain open. President Wisnewski closed the Public Hearing at 7:42pm.

COMMUNICATIONS:

MAYOR: Mayor Martin summarized the following:

- Free cash was certified at \$1,784,129 for FY13 and available to use until June 30, 2014.
- Local revenues were \$756,537 over the estimated amount.
- Revenue highlights
 - ~ Unexpected close out of \$101,109 from the Tap & Die settlement
 - ~ Collection of Tax Title accounts \$458,212
 - ~ Collection of Police Detail deficit \$350,000
 - ~ Other departmental receipts and turn back of budgets \$1,034,987
- Budget Highlights

| | |
|---------------------|-----------|
| Reserve Fund | \$59,466 |
| Central Maintenance | \$189,645 |
| Police | \$128,327 |
| Fire | \$73,620 |
| Trash | \$52,024 |
| Debt | \$44,600 |
| Debt Interest | \$56,095 |
| Temp Interest | \$52,018 |
| Health Insurance | \$279,191 |
- Municipal Aggregation
 - Mayor Martin introduced Paul Gromer of Peregrine Energy Group/Boston.
- Future Accounts
 - Post employee benefits and trust funds. The Town must begin to put money aside for future payouts.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: None.

TOWN OFFICERS: None.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 14-080

MOTION: On a motion by Councilor Zaltzberg, second by Councilor Maloni, it was, **MOVED:** THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENT BY THE MAYOR TO THE SCHOOL BUILDING COMMITTEE: LYNN FACEY – UNTIL THE COMPLETION OF THE PROJECT (TO REPLACE KEITH MCCORMICK)

DISCUSSION: Chairman Zaltzberg stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14-080

Order no. FY 14-067

MOTION: On a motion by Councilor Devlin, second by Councilor Allis, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV "USE REGULATIONS", SECTION 4.11, C. BY ADDING NUMBER 15 "PERSONAL AND CONSUMER SERVICE ESTABLISHMENT", AS SHOWN IN THE BOLD PRINT IN THE DOCUMENT ATTACHED HERE TO AS "EXHIBIT A", AND AMENDS THE TABLE OF USES ATTACHED AS "EXHIBIT B" AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE.

AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE IS PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

"Exhibit A"

~ 200-4.11. General Industry District (GI).

A. Purpose. The purpose of the General Industry District is to provide areas for light industry and manufacturing which do not intrude on residential areas.

B. Uses permitted.

- (1) Greenhouse, nursery or farmstand where fifty percent (50%) or more of the products for sale have been produced on the premises.
- (2) Home occupation.
- (3) Philanthropic institution.
- (4) Photocopying and data processing.
- (5) Newspaper, printing, publishing.
- (6) Business and professional offices.
- (7) Office park.
- (8) Research and development facilities.
- (9) Wholesale trade and distribution.
- (10) Assembly, bottling, packaging, or finishing plant in an enclosed building.
- (11) Warehouse or freight transport terminal.
- (12) Trucking firm (on public sewer only).
- (13) Construction supply establishment.
- (14) Contractor's yard or other open storage of raw materials, finished goods, or equipment.
- (15) Light industry, manufacturing or processing plant which will not be offensive, injurious, noxious, or hazardous.
- (16) Trade shop including carpenter, builder, electrician, plumber, landscaper or similar trade with indoor storage of tools, supplies, and equipment.
- (17) Cafeterias for employees, automatic teller machines, day-care centers and other normal accessory uses to a nonresidential use.
- (18) Self storage.
- (19) Medical center/clinic including accessory research.
- (20) Large-Scale Ground-Mounted Solar Photovoltaic Installations.
- (21) Renewable/alternative energy R&D facility.
- (22) Renewable/alternative energy manufacturing facility.

- (23) Building-Integrated Solar Energy System.
- (24) Small-Scale Ground-Mounted Solar Energy System.

C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres.
- (2) Radio, television transmission and other communications use including towers.
- (3) Public or private utility or substation.
- (4) Power plant.
- (5) Automotive repair and servicing shop.
- (6) Salvage/junkyard.
- (7) Processing of earth authorized for removal in accordance with the Town of Greenfield

Soil Removal Ordinance.¹

- (8) Waste hauling establishment.
- (9) Retail sales incidental to a permitted use or use allowed by special permit.
- (10) Private school not exempt from zoning under ~ 200-4.1 B (1).
- (11) Wholesale laundry and dry-cleaning plant.
- (12) Hotel, motel inn.
- (13) Conference center.
- (14) Bulk storage and/or sale of fuel or other fluid other than waste.
- (15) Personal and Consumer Service establishment.**

¹ Editor's Note: See Ch. 154, Soil Removal.

Table of Uses
 Town of Greenfield
 Ch. 200, Zoning
 (cont'd)

| | RC | RB | RA | SR | H | CC | LC | GC | O | GI | PI |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----------------|----------------|------------------|----|----|---|---------------------------|----|
| Newspaper, printing, publishing | N | N | N | N | N | SP | SP | SP | Y | Y | Y |
| Business and professional offices | N | N | N | Y ⁸ | Y ⁹ | Y | Y | Y | Y | Y | Y |
| Office park | N | N | N | N | N | N | N | N | Y | Y | Y |
| Personal and consumer service establishment | N | N | N | N | N | Y | Y | Y | N | N SP | N |
| Retail establishment | N | N | N | N | N | Y | Y | Y | N | N | N |
| Restaurant, bar or lounge for serving food or drinks primarily within the building | N | N | N | N | N | Y | Y | Y | N | N | N |
| Take-out restaurant | N | N | N | N | N | Y | Y | Y | N | N | N |
| Drive-in or drive-through restaurant | N | N | N | N | N | N | Y | Y | N | N | N |
| Sale or leasing of motor vehicles, boats, farm implements, campers or other vehicles or heavy equipment | N | N | N | N | N | N | Y | Y | N | N | N |
| Sale, leasing, repair and servicing of new and used motor vehicles with a Class 1 Motor Vehicles License issued by the Town of Greenfield ¹⁰ | - | - | - | - | - | SP ¹⁰ | - | - | - | - | - |
| Service and repair shops for appliances, small equipment, business and consumer products | N | N | N | N | N | Y | Y | Y | N | N | SP |
| Theatre | N | N | N | N | N | Y | Y | Y | N | N | N |

(8)Offices requiring ten (10) or less parking spaces only.

(9)Offices related to health services only.

(10)This use only applies to the Central Commercial District.

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14-067.

Order no. FY 14-082 A

MOTION: On a motion by Councilor Allis, second by Councilor Hoffman, it was,

MOVED: THAT THE TOWN COUNCIL ADOPT A MINIMUM RESIDENTIAL FACTOR OF ONE (1) RESULTING IN AN EQUAL TAX RATE FOR ALL CLASSES OF PROPERTY FOR THE FISCAL YEAR 2014.

DISCUSSION: Chairman Allis stated the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 – 082 A.

Order no. FY 14 – 082 B

MOTION: On a motion by Councilor Allis, second by Councilor Hoffman it was,

MOVED: THAT THE TOWN COUNCIL VOTES THAT NO RESIDENTIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2014.

DISCUSSION: Chairman Allis stated the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 082 B.

Order no. FY13- 082 C

MOTION: On a motion by Councilor Allis, second by Councilor Hoffman, it was,

MOVED: THAT THE TOWN COUNCIL VOTES THAT NO SMALL COMMERCIAL EXEMPTION BE ADOPTED FOR FISCAL YEAR 2014.

DISCUSSION: Chairman Allis stated the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 – 082 C.

Order no. FY 114-083 A

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was,

MOVED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE VII “SPECIAL REGULATIONS”, BY ADDING NUMBER ~ 200-7.17. “MEDICAL MARIJUANA

DISPENSARIES/TREATMENT CENTERS”, AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

A. Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and the State Department of Public Health has issued regulations for the implementation of this law (105 CMR 725). The purpose of this ordinance is to provide for the establishment of Medical Marijuana Dispensaries/Treatment Centers in appropriate places and under strict conditions, to minimize the adverse impacts of Medical Marijuana Dispensaries / Treatment Centers on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities, and to regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Dispensaries / Treatment Centers.

B. Definitions

MEDICAL MARIJUANA DISPENSARY / TREATMENT CENTER -- A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana. These facilities shall be located inside a structure or building.

MARIJUANA -- The same substance defined as “marihuana” under Chapter 94C of the Massachusetts General Laws.

MARIJUANA FOR MEDICAL USE -- Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in 105 CMR 725.

C. Applicability

(1) The commercial cultivation production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Registered Marijuana Dispensary under this Section.

(2) No RMD shall be established except in compliance with the provisions of this Section.

(3) Nothing in this Ordinance shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

(4) If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances

other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

D. Eligible Locations for Registered Marijuana Dispensaries

Registered Marijuana Dispensaries may be allowed by Special Permit from the Zoning Board of Appeals in the Central Commercial (CC), General Commercial (GC), General Industry (GI), Health Service (H), and Limited Commercial (LC) Zoning Districts provided the facility meets the requirements of this Section.

E. General Requirements and Conditions for all Registered Marijuana Dispensaries

(1) All non-exempt RMDs shall be contained within a building or structure.

(2) A Registered Marijuana Dispensary shall not be located in buildings that contain any medical doctors' offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

(3) The hours of operation of Registered Marijuana Dispensaries shall be set by the Special Permit Granting Authority, but in no event shall said RMD be open and/or operating between the hours of ~~89~~:00 PM and ~~87~~:00 AM.

(4) No Registered Marijuana Dispensary shall be located within a radius of *one-hundred (100)* feet of school, daycare center, *park*, playground, or youth center. The *one-hundred (100)* foot distance under this section shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD

(5) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of an RMD.

(6) No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

(7) Signage for the RMD shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

(8) Registered Marijuana Dispensaries shall provide the Greenfield Police Department, Building Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment.

F. Special Permit Requirements

(1) A Registered Marijuana Dispensary shall only be allowed by special permit from the Zoning Board of Appeals in accordance with M.G.L. c. 40A, §9, subject to the following statements, regulations, requirements, conditions and limitations.

(2) A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

- (a) cultivation of Marijuana for Medical Use (horticulture);
 - (b) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;
 - (c) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;
- (3) In addition to the application requirements set forth in Sections E and F of this Ordinance, a special permit application for a Registered Marijuana Dispensary shall include the following:
- (a) the name and address of each owner of the facility;
 - (b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD;
 - (c) evidence of the Applicant's right to use the site of the RMD for the RMD, such as a deed, or lease;
 - (d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - (e) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;
 - (f) proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
- (4) Mandatory Findings. The Special Permit Authority shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:
- (a) the RMD is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;
 - (b) the RMD demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
 - (c) the Applicant has satisfied all of the conditions and requirements of Sections 7.17(E) and 7.17(F) herein;
- (5) Annual Reporting. Each Registered Marijuana Dispensary permitted under this Ordinance shall as a condition of its special permit file an annual report to and appear

before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

(6) A special permit granted under this Section shall have a term limited to the duration of the Applicant's ownership of the premises as a Registered Marijuana Dispensary. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section.

(7) The Board shall require the Applicant to post a bond at the time of construction to cover costs for the removal of the Medical Marijuana Dispensary / Treatment Center in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 7.17(G)(2) and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the Applicant providing the Special Permit Granting Authority with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the Town to remove the facility at prevailing wages.

G. Abandonment or Discontinuance of Use

(1) A Special Permit shall lapse if not exercised within one year of issuance.

(2) A Medical Marijuana Dispensary / Treatment Center shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state issued licenses or permits; or within six months of ceasing operations; whichever comes first.

DISCUSSION: Chairman Devlin stated the Economic Development Committee held a joint public hearing with the Planning Board. EDC forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 – 083 A.

Order no. FY 14 – 083 B

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was, **MOVED:** THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV, SECTION 4-6 (C) "USE REGULATIONS", BY INSERTING NUMBER (12), AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Funeral home.

- (3) Multifamily dwelling in accordance with ~ 200-7.2.
- (4) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.
- (5) Dormitories in conjunction with a medical training facility only.
- (6) Shared housing.
- (7) Medical research and development.
- (8) Crematory.
- (9) Mixed residential/office use in accordance with ~ 200-7.10.
- (10) Private school not exempt from zoning under ~ 200-4.1B(1).
- (11) Assisted living facility. [Added by Town Council on July 15, 2009]
- (12) *Registered Marijuana Dispensary pursuant to ~ 200-7.17.***

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 – 083 B.

Order no. FY 14-085

MOTION: On a motion by Councilor Allis, second by Councilor Singer, it was,

MOVED: That \$52,676.72 be appropriated from Sewer Fund Retained Earnings for the payment of FY13 bills related to environmental and inspection services for the Lunt property.

DISCUSSION: Chairman Allis stated the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -085

Order no. FY 14-083 B

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was,

MOVED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV, SECTION 4-6 (C) “USE REGULATIONS”, BY INSERTING NUMBER (12), AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Funeral home.
- (3) Multifamily dwelling in accordance with ~ 200-7.2.
- (4) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.
- (5) Dormitories in conjunction with a medical training facility only.
- (6) Shared housing.
- (7) Medical research and development.
- (8) Crematory.
- (9) Mixed residential/office use in accordance with ~ 200-7.10.

- (10) Private school not exempt from zoning under ~ 200-4.1B(1).
- (11) Assisted living facility. [Added by Town Council on July 15, 2009]
- (12) **Registered Marijuana Dispensary pursuant to ~ 200-7.17.**

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14-083B.

Order no. FY 14-083C

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was,

MOVED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV, SECTION 4-7 (C) "USES PERMITTED BY SPECIAL PERMIT", BY INSERTING NUMBER (19), AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

C. Uses permitted by special permit.

- (1) Farms on parcels of less than five (5) acres with livestock or poultry.
- (2) Radio, television transmission or other communications use excluding towers.
- (3) Private school not exempt from zoning under ~ 200-4.1B(1).
- (4) Funeral home.
- (5) Hotel, motel, inn.
- (6) Indoor recreation.
- (7) Medical center/clinic including accessory research.
- (8) Newspaper, printing, publishing.
- (9) Wholesale laundry or dry-cleaning plant.
- (10) Wholesale trade and distribution.
- (11) Congregate housing for the elderly or handicapped in accordance with ~ 200-7.6.
- (12) Lodging/boarding/rooming house only as a mixed residential/business use in accordance with ~ 200-7.10.
- (13) Shared housing.
- (14) Research and development facilities.
- (15) Conference center.
- (16) Trade shop including carpenter, builder, electrician, plumber, landscaper or similar trade with indoor storage of tools, supplies, and equipment.
- (17) Sale, leasing, repair, and servicing of new and used motor vehicles with a Class 1 Motor Vehicle license issued by the Town of Greenfield.
- (18) Assisted living facility. [Added by Town Council on July 15, 2009]
- (19) **Registered Marijuana Dispensary pursuant to ~ 200-**

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 -083C.

Order no. FY 14-083D

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was,
MOVED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV, SECTION 4-8(C) "USES PERMITTED BY SPECIAL PERMIT", BY INSERTING NUMBER (16), AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

- C. Uses permitted by special permit.
- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. [Amended by Town Council on July 15, 2009]
 - (2) Public or private utility or substation.
 - (3) Radio, television transmission or other communications use excluding towers.
 - (4) Private school not exempt from zoning under ~ 200-4.1B(1).
 - (5) Multifamily dwelling in accordance with ~ 200-7.2.
 - (6) Bed-and-breakfast or tourist home.
 - (7) Automotive repair and servicing shop.
 - (8) Gas station.
 - (9) Indoor recreation.
 - (10) Newspaper, printing, publishing.
 - (11) Wholesale laundry or dry-cleaning plant.
 - (12) Wholesale trade and distribution.
 - (13) Research and development facilities.
 - (14) Mixed residential/business uses in accordance with ~ 200-7.10.
 - (15) Assisted living facility. [Added by Town Council on July 15, 2009]
 - (16) *Registered Marijuana Dispensary pursuant to ~ 200-7.17.***

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommended.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14-083D.

Order no. FY 14-083E

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was,
MOVED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE GREENFIELD ZONING ORDINANCE, SECTION 200-4.9(C), BY ADDING THE FOLLOWING NEW USE BY SPECIAL PERMIT:

THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV, SECTION 4-9 (C) "USES PERMITTED BY SPECIAL PERMIT", BY INSERTING NUMBER (29), AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

- C. Uses permitted by special permit.

- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
- (2) Public or private utility or substation.
- (3) Radio, television transmission or other communications use including towers.
- (4) Private school not exempt from zoning under ~ 200-4.1B(1).
- (5) Multifamily dwelling in accordance with ~ 200-7.2.
- (6) Single-family dwelling.
- (7) Two-family dwelling.
- (8) Lodging/boarding/rooming house.
- (9) Dormitories.
- (10) Bed-and-breakfast or tourist home.
- (11) Mixed residential/business uses in accordance with ~ 200-7.10.
- (12) Automotive repair and servicing shop.
- (13) Gas station.
- (14) Bulk storage and/or sale of fuel or other fluid other than waste.
- (15) Indoor recreation.
- (16) Newspaper, printing, publishing.
- (17) Wholesale laundry or dry cleaning plant.
- (18) Wholesale trade and distribution.
- (19) Waste hauling establishment.
- (20) Warehouse or freight transport terminal.
- (21) Assembly, bottling, packaging or finishing plant in an enclosed building.
- (22) Research and development facilities.
- (23) Contractor's yard or other open storage of raw materials, finished goods, or equipment.
- (24) Animal kennel or hospital.
- (25) Light industry, manufacturing or processing plant which will not be offensive, noxious, or hazardous.
- (26) Assisted living facility. **[Added by Town Council on July 15, 2009]**
- (27) Renewable/alternative energy R&D facility. **[Added by Town Council on March 17, 2010]**
- (28) Large-Scale Ground-Mounted Solar Photovoltaic Installations. **[Added by Town Council on December 19, 2012]**
- (29) *Registered Marijuana Dispensary pursuant to ~ 200-7.17.***

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14-083E.

Order no. FY 14-083F

MOTION: On a motion by Councilor Devlin, second by Councilor singer, it was,

MOVED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE GREENFIELD ZONING ORDINANCE, SECTION 200-4.11(C), BY ADDING THE FOLLOWING NEW USE BY SPECIAL PERMIT: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, ARTICLE IV, SECTION 4-11 (C)“USES PERMITTED BY SPECIAL PERMIT”, BY INSERTING NUMBER (15), AS WRITTEN HEREIN, AND FURTHER

AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

- C. Uses permitted by special permit.
- (1) Farms or the keeping of livestock or poultry on parcels of less than five (5) acres. **[Amended by Town Council on July 15, 2009]**
 - (2) Radio, television transmission and other communications use including towers.
 - (3) Public or private utility or substation.
 - (4) Power plant.
 - (5) Automotive repair and servicing shop.
 - (6) Salvage/junkyard.
 - (7) Processing of earth authorized for removal in accordance with the Town of Greenfield Soil Removal Ordinance.²
 - (8) Waste hauling establishment.
 - (9) Retail sales incidental to a permitted use or use allowed by special permit.
 - (10) Private school not exempt from zoning under ~ 200-4.1B(1).
 - (11) Wholesale laundry and dry-cleaning plant.
 - (12) Hotel, motel inn.
 - (13) Conference center.
 - (14) Bulk storage and/or sale of fuel or other fluid other than waste.
 - (15) *Registered Marijuana Dispensary pursuant to ~ 200-7.17.***

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14 – 083F.

Order no. FY 14-083G

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was, **MOVED:** THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, TABLE OF USES AS WRITTEN HEREIN, AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

| | RC | RB | RA | SR | H | CC | LC | GC | O | GI | PI |
|-------------------------------------------------------------|----|----|----|----|---|----|----|----|---|----|----|
| Contractor’s yard | N | N | N | N | N | N | N | SP | N | Y | N |
| Open storage of raw materials, finished goods, or equipment | N | N | N | N | N | N | N | SP | N | Y | SP |
| Light industry, manufacturing or processing plant | N | N | N | N | N | N | N | SP | N | Y | Y |

| | | | | | | | | | | | |
|------------------------------------------------------------------------------------------------|----------|----------|----------|------------------|------------------|-----------|-----------|-----------|----------|-----------|----------|
| Research and development facilities | N | N | N | N | SP ¹¹ | SP | SP | SP | SP | Y | Y |
| Salvage/junkyard | N | N | N | N | N | N | N | N | N | SP | N |
| Waste hauling establishment | N | N | N | N | N | N | N | SP | N | SP | N |
| Large-Scale Ground-Mounted Solar Photovoltaic Installations pursuant to ~ 200-7.15 | SP | SP | N | N | N | N | N | SP | SP | Y | Y |
| Renewable/alternative energy R&D facility | N | N | N | N | N | N | N | SP | N | Y | Y |
| Renewable/alternative energy manufacturing facility | N | N | N | N | N | N | N | N | N | Y | Y |
| Building-Integrated Solar Energy System pursuant to ~ 200-7.16 | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Small-Scale Ground-Mounted Solar Energy System pursuant to | SP | SP | SP | SP | Y | Y | Y | Y | Y | Y | Y |
| Other Uses | | | | | | | | | | | |
| Conservation area | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Processing of earth authorized for removal under the Town of Greenfield Soil Removal Ordinance | SP | N | N | N | N | N | N | N | N | SP | N |
| Mixed residential/business uses | N | N | N | SP ¹² | SP ¹² | Y | SP | SP | N | N | N |
| Private club or membership organization | N | N | N | SP | N | Y | Y | Y | N | N | N |
| <i>Registered Marijuana Dispensary pursuant to ~ 200-7.17</i> | <i>N</i> | <i>N</i> | <i>N</i> | <i>N</i> | <i>SP</i> | <i>SP</i> | <i>SP</i> | <i>SP</i> | <i>N</i> | <i>SP</i> | <i>N</i> |

DISCUSSION: Chairman Devlin stated the Economic Development Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14-083G.

Order no. FY 14-079

MOTION: On a motion by Councilor Zaltzberg, second by Councilor Renaud, it was, **MOVED:** THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY ADDING CHAPTER 158, STIPEND FOR SCHOOL BOARD MEMBERS AND TOWN COUNCILORS, AS WRITTEN AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE TOWN OF GREENFIELD.

DISCUSSION: Chairman Zaltzberg stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation. Councilors Devlin and Maloni expressed concern accepting a stipend when money could be used to hire another teacher. Councilor Ronhave would support the motion as it would bring wider diversity and representation to the council. Discussion ensued with most intending to approve the motion.

MOTION: On a motion by Council Allis, second by Councilor Zaltzberg, it was unanimously, **VOTED:** TO AMEND THE MOTION BY DELETING THE WORD “REGULAR” AND ADDING THE WORDS “REGULARLY SCHEDULED” IN SECTION C.

It was by majority,

VOTED: TO APPROVE ORDER NO. FY14-079 AS AMENDED.

Chapter 158
STIPEND FOR SCHOOL BOARD MEMBERS AND TOWN COUNCILORS
General References

See Charter SECTION 4-4(a)

See Charter SECTION 2-4

§158-1.

§158-1. Stipend for School Board Members and Town Councilors

The Town of Greenfield shall appropriate funds to compensate members of the Greenfield School Committee and the Town Council with an annual stipend in the amount of \$2,000 to be paid annually at the completion of each year of service. This section shall become effective three years from the date of final passage.

The Town of Greenfield shall appropriate funds each fiscal year beginning in Fiscal Year 2015 for trainings, continuing education and/or professional development including registration fees, mileage and travel expenses¹ not to exceed \$500/per person/fiscal year. This shall not entitle recipients to any other benefits from the Town.

A. One year following the date of implementation of compensation described in this ordinance, the Town Council or a subcommittee of the Town Council shall annually review the Federal Cost of Living Adjustment of the current year. Compensation of School Committee members and Town Councilors may be adjusted by the same percentage equal to the Federal Cost of Living Adjustment of the current year, effective beginning the following fiscal year.

B. Increases to this amount exceeding the Federal Cost of Living Adjustment require a 2/3 majority vote.

C. Any Board Member or Councilor missing more than 2 regularly scheduled meetings and 4 committee meetings in a fiscal year will have their stipend reduced at a percentage commensurate their number of absences.

1. *Mileage and Travel shall be reimbursed at the rates set for Town employees.*

Order no. FY 14 14-041 A 1

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL
DECLARES REAL ESTATE ON PLACE TERRACE, BEING SHOWN ON ASSESSORS MAP 101, BLOCK 35, TO BE SURPLUS PROPERTY AND TRANSFERS SAID PROPERTY TO THE MAYOR FOR SALE.

DISCUSSION: Chairman Devlin stated the property and contamination issues were being dealt with.

It was unanimously, (1 abstention by councilor Allis)

VOTED: TO APPROVE ORDER NO. FY 14-041 A1.

Order no. FY 14-041 A2

MOTION: On a motion by Councilor Devlin, second by Councilor Hirschfeld, it was, unanimously, (1 abstention by Councilor Allis)

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL
AUTHORIZES THE MAYOR TO SELL PLACE TERRACE, ASSESSORS MAP 101, BLOCK 35, PURSUANT TO THE TOWN COUNCIL POLICY FOR THE SALE OF TOWN OWNED LAND AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

Order no. FY 14 14-042 A 1

MOTION: On a motion by Councilor Devlin, second by Councilor Singer, it was, unanimously, (1 abstention by Councilor Allis)

VOTED: THAT THE GREENFIELD TOWN COUNCIL DECLARES REAL ESTATE ON OAK STREET, BEING SHOWN ON ASSESSORS MAP 69, BLOCK 22, TO BE SURPLUS PROPERTY AND TRANSFERS SAID PROPERTY TO THE MAYOR FOR SALE.

Order no. FY 14 14-042 A 2

MOTION: On a motion by Councilor Devlin, second by Councilor Maloni, it was, unanimously, (1 abstention by Councilor Allis)

VOTED: THAT THE GREENFIELD TOWN COUNCIL AUTHORIZES THE MAYOR TO SELL OAK STREET, ASSESSORS MAP 69, BLOCK 22, PURSUANT TO THE TOWN COUNCIL POLICY FOR THE SALE OF TOWN OWNED LAND AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

Order no. FY 14 14-086

MOTION: On a motion by Councilor Devlin, second by Councilor Maloni, it was,

MOVED: THAT THE FOLLOWING PROPERTIES BE DECLARED SURPLUS IN ACCORDANCE WITH MGL CHAPTER 30B, S 16(I):

- Map 17, Block 10 known as 317 Deerfield Street
- Map R24, Block 25 known as 134 Laurel Street

DISCUSSION: Finance Director Kelly explained the process of foreclosed and surplus properties, tax liens, and Land Court judgment. She furthered explained that by selling the properties to the Greenfield Housing Authority, the town would get the money it was owed. Greenfield Housing Authority Director John Counter stated he had several grants he could use to renovate the properties and place the tenants in temporary housing locations until renovations were complete. Once completed, the tenants would return to the property.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 14- 086.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES

COMMUNITY RELATIONS AND EDUCATION COMMITTEE – Chairman Renaud announced the topics discussed at the last meeting were WMECO, the Skate Park and Dog Park.

ECONOMIC DEVELOPMENT COMMITTEE – Chairman Devlin announced the Biomass Waste to Energy Committee would meet on November 27, 2013 at 20 Sanderson Street.

APPOINTMENTS AND ORDINANCE COMMITTEE- Chairman Zaltzberg noted the committee had been extremely busy with the Native American Burial Ground Ordinance, Plastic Bag Ordinance and the Noise Ordinance.

WAYS AND MEANS COMMITTEE – Chairman Allis stated the Capital Committee will begin it's meetings on November 25, 2013.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Allis held the following first reading:

- Ordered that \$800,000 be appropriated from Free Cash to the Contractual Stabilization account.
- Ordered that \$300,000 be appropriated from Free Cash to Capital Stabilization.
- Ordered that \$20,000 be appropriated from Free Cash to the Building Department.
- The Sum of \$100,000 Be Appropriated To Repave The Chapman & Davis Parking Lot And To Meet Said Appropriation, The Treasurer With The Approval Of The Mayor, Is Hereby Authorized To Borrow Said Sum Of \$100,000, Pursuant To Massachusetts General Laws, Chapter 44, Section 7 (6) Or Any Other Enabling Statute.
- The Sum Of \$40,000 Be Appropriated For The Purchase Of One (1) Marked Police Cruiser And To Meet Said Appropriation, The Treasurer With The Approval Of The Mayor, Is Hereby Authorized To Borrow Said Sum Of \$40,000, Pursuant To Massachusetts General Laws, Chapter 44, Section 7 (9) Or Any Other Enabling Statute.
- Initiate General Ordinance re: Nuisance and Vacant properties.

Councilor Renaud expressed dismay at remarks made by Robert Sunderland of the Master Planning Committee who implied the Council had put up road blocks to deter growth.

Councilor Zaltzberg announced his resignation from the Council effective immediately due to issues in his personal life which caused him to move out of the precinct he represented. On behalf of the entire Council, President Wisnewski thanked Councilor Zaltsburg for his hard work and dedication to the Town of Greenfield and its residents.

MOTIONS FOR RECONSIDERATION: None.

PUBLIC FORUM: James Hutchinson of 136 Main Street welcomed Robert Haigh as the Town's new Police Chief.

ADJOURNMENT: On a motion by Councilor Allis, second by Councilor Devlin, it was unanimously

VOTED: TO ADJOURN THE MEETING AT 9:40 P.M.

A true copy,

Attest: _____
Maureen T. Winseck, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
Wednesday, November 20, 2013
Regular Meeting

| | | | | | | |
|--------------------------|---|--|--|--|--|--|
| 1. Kelner, Marian | P | | | | | |
| 2. Zaltzberg, Keith | P | | | | | |
| 3. Allis, Brickett | P | | | | | |
| 4. Ronhave, Steven | P | | | | | |
| 5. Singer, David | P | | | | | |
| 6. Hoffman, Hillary | P | | | | | |
| 7. Renaud, Karen | P | | | | | |
| 8. Shapiro Miller, Karen | P | | | | | |
| 9. Hirschfeld, Norman | P | | | | | |
| 10. Athey, Dalton | A | | | | | |
| 11. Wisnewski, Mark | P | | | | | |
| 12. Devlin, Patrick | P | | | | | |
| 13. Maloni, Mark | P | | | | | |