

GREENFIELD TOWN COUNCIL

Regular Meeting Minutes

August 17, 2016

GCTV-15, 393 Main Street

7:00 pm

CALL TO ORDER: Meeting was called to order at 7:02 p.m. by President Allis.

President Allis 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 Stempel was absent.

ALSO PRESENT: Mayor William Martin; Director of Municipal Finance and Administration Marjorie L. Kelly; Administrative Assistant to the Town Council Clerk Kathryn Scott; Town Accountant Elizabeth Braccia; Town Attorney Gordon Quinn and Garth Janes; Deputy Police Chief Mark Williams; Greenfield School Superintendent Jordana Harper; Planning Board Chairperson Roxanne Wedegartner; Planning Board Members David Moscaritolo and George Touloumtzis; GCTV-15 staff; Aviva Luttrell, *the Recorder*; and members of the public.

The Pledge of Allegiance was held.

ACCEPTANCE OF MINUTES: On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously,

VOTED: TO ACCEPT THE TOWN COUNCIL MINUTES OF JULY 13, 2016 AND JULY 20, 2016.

PUBLIC COMMENT: The following members of the public spoke:

- Edward Evans, 61 Pleasant Street, spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units.
- Roxann Wedegartner, 85 Hastings Street, spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units.
- Patricia Jordan, 53 Norwood Street, member of the Council on Aging requested the Town Council include the word "Senior" in the naming of the yet to be built Community Center.
- Thomas Goodwin, 30 Grinnell Street, member of the Council on Aging requested the Town Council include the word "Senior" in the naming of the yet to be built Community Center.
- Albert Norman, 21 Grinnell Street, handed out the attached testimony relating to Accessory Dwelling Units. He supported the concept of A.D.U. but also recommended the proposed changes outlined in his handout.
- Karen McCormack, 349 Conway Street, member of the Council on Aging requested the Town Council include the word "Senior" in the naming of the yet to be built Community Center.
- Amy Moscaritolo, 43 Country Club Road spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units.
- David Moscaritolo, 43 Country Club Road spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units.
- Danielle Letourneau, 40 Garfield Street spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units. She also requested that all proposed appointees be held to the same level of consideration by the Town Council.
- Hillary Hoffman, 30 Abbot Street, spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units. She also spoke in support of the proposed appointment of Rod Hart to the Human Rights Commission.
- Tristan Evans, 61 Pleasant Street spoke in support of the Town Council adoption of the proposed Zoning amendment to include Accessory Dwelling Units.

- Joan M. Jackson, 2 Chestnut Hill, spoke in opposition of the adoption of the proposed Zoning amendment for Accessory Dwelling Units.
- Mitchell Speight, 2 Chestnut Hill, spoke in opposition of the adoption of the proposed Zoning amendment for Accessory Dwelling Units.
- Diane Jensen-Olszewski, 2 Hager Cross Road, South Deerfield, spoke regarding Question 2 on the November ballot. She requested Councilors vote NO on this question.

PUBLIC HEARINGS: Councilor Lobik read the following Public Hearing notice: In accordance with Home Rule Charter, the Greenfield Town Council will hold a public hearing on Wed., Aug. 17, 2016, at 7:00 p.m. at GCTV-15, 393 Main St. to receive public input on the following:

- Appropriate \$60,000 for Grinding of Road Material from the Capital Stabilization Fund.
- Appropriate \$2,000 from the Conservation Trust Fund #8500 for trail work on the Green River Conservation Land.

The Town Council will consider the same on Wed., Aug. 17, 2016, at 7:00 p.m. at GCTV-15 Studio, 393 Main St. 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, x. 6163.

Brickett Allis, Greenfield Town Council President

President Allis opened the Public Hearing at 7:49 pm. He asked if anyone from the public wished to speak; seeing none he stated the hearing would remain open.

Councilor Lobik held the following second reading:

- Appropriate \$60,000 for Grinding of Road Material from the Capital Stabilization Fund.
- Appropriate \$2,000 from the Conservation Trust Fund #8500 for trail work on the Green River Conservation Land.

COMMUNICATIONS:

MAYOR: Mayor Martin spoke of the following:

- Voluntary water restrictions.
- Naming of the Senior Center
- Special Legislation for Greenfield Community Energy and Technology (GCET).
- Spoke regarding the intention to hire a GCET manager without a search for qualified applicants.

Deputy Police Chief Mark Williams briefed the Town Council on the ongoing investigation surrounding emails received by town representatives.

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendent Harper spoke of:

- Activities for the schools and administration over the summer which included the construction of the new administration office at the Greenfield Middle School.
- The first day of school will be Wednesday, August 31, 2016.

In response to Vice-President Mass, Superintendent Harper stated discussion regarding the FBI probe into the Greenfield School system could be entertained in Executive Session with the School Committee President and School Legal Council. Vice-President Mass requested the attached email, questions to Superintendent Harper, be entered into the official record of minutes and be placed on the September Town Council Committee Chairs agenda for discussion.

TOWN OFFICERS: None.

President Allis closed the Public Hearing at 8:06 pm.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 17-025

MOTION: On a motion by Councilor Maloni, second by Councilor Ricketts, 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 AGRICULTURAL COMMISSION: ANDREA MOORHEAD – REMAINDER OF A THREE YEAR TERM TO EXPIRE JUNE 2018 (TO FILL AND EXISTING VACANCY).

DISCUSSION: Councilor Maloni stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation, three of five committee members attending. The proposed appointee did not attend the committee meeting.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -025.

Order no. FY 17-033

MOTION: On a motion by Councilor Maloni, second by Councilor Ricketts, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE CONSERVATION COMMISSION - JONATHAN GRIFFIN -THREE YEAR TERM TO EXPIRE JUNE 30, 2019 (TO FILL AND EXISTING VACANCY DUE TO THE RESIGNATION OF JOHN BLASIAK).

DISCUSSION: Councilor Maloni stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation, three of five committee members attending. The proposed appointee did attend the committee meeting.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -033.

Order no. FY 17-034

MOTION: On a motion by Councilor Maloni, second by Councilor Ricketts, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE HOUSING AUTHORITY - TRISH LEONARD - REMAINDER OF A FIVE YEAR TERM TO EXPIRE, JUNE 30, 2017 (FILING AND EXISTING VACANCY DUE TO THE RESIGNATION OF T.J. STRAHAN).

DISCUSSION: Councilor Maloni stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation, three of five committee members attending.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -034.

Order no. FY 17-035

MOTION: On a motion by Councilor Maloni, second by Councilor Renaud, it was,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE HUMAN RIGHTS COMMISSION - ROD HART - REMAINDER OF A THREE YEAR TERM TO EXPIRE, JUNE 30, 2019 (FILING VACANCY LEFT BY TED MOSHER).

DISCUSSION: Councilor Maloni stated the Appointment and Ordinance Committee forwarded a majority positive recommendation, two yes and one no. The proposed appointee did not attend the committee meeting. Discussion included:

- Images on social media posted by the appointee.
- Was this person appropriate to sit on the Human Rights Commission (HRC)?
- Remembering the Town Council approval of a Resolution of Respect, does this appointee exemplify the resolution?
- All appointees should be held to the same standard. If you are going to hold all appointees to a standard depending on what is posted on social media, than you should research all appointees social media sites.
- Difficulty expressing a descending opinion.
- Being a member of a community sometimes means that you will be offended.
- Members weren't able ask the appointee questions at a public meeting.
- Comments had been made regarding the Town of Greenfield and the Police Department.
- Encourage Town Council to call proposed appointees.
- Reasons it may be beneficial to have this appointee as a member of the HRC.
- HRC is a board which needs to have the trust of the public. Questions if this person would instill trust.

MOTION: On a motion by Councilor Mass, second by Councilor Lobik, it was by roll call,
DEFEATED: TO CALL THE QUESTION.

It was by roll call, 5 yes and 6 no,

VOTED: TO APPROVE ORDER NO. FY 17 -035.

Order no. FY 17-036

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL PURSUANT TO CHARTER SECTION 2-10, ACCEPTS THE FOLLOWING APPOINTMENTS BY THE MAYOR TO THE CULTURAL DISTRICT COMMITTEE -STEVEN GOLDSHER - ALL TERMS TO EXPIRE WHEN THE PROJECT IS COMPLETE.

DISCUSSION: Councilor Maloni stated the Appointment and Ordinance Committee recommended a unanimous positive recommendation. The proposed appointee attended the committee meeting.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -036.

Order no. FY 17-023

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

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD BY DELETING THE EXISTING CHAPTER 195 – WETLANDS PROTECTION, IN ITS ENTIRETY AND REPLACING WITH THE NEW CHAPTER 195 ATTACHED HERETO AS “EXHIBIT A” AND FURTHER AMENDS THE CONTENT AND THE 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.

TOWN COUNCIL – FAVORABLY VOTED - MAY 21, 2014

CHAPTER 195

WETLANDS PROTECTION

§195-1. PURPOSE.

This Ordinance is intended to:

- A. Provide guidelines on the protection of wetlands, water resources, lands subject to flooding, and adjoining upland areas.
- B. Utilize the home rule authority of the Town of Greenfield for the protection of wetland resource areas by prior public review.
- C. Control activities likely to have a significant or cumulative effect upon jurisdictional areas as outlined in the Massachusetts Wetlands Protection Act, MGL c. 131 § 40, and 310 CMR 10.00.

This Ordinance also provides additional local enforcement measures in conjunction with the Massachusetts Wetland Protection Act. It is also the intention of this Ordinance, unless otherwise stated, that the jurisdiction, authority, exceptions, exemption, time periods, application procedures, definitions and enforcement standards of the Wetland Protection Act shall apply.

§195-2. JURISDICTION.

Except as permitted by the Conservation Commission (hereafter referred to as 'the Commission') no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds, beaches, and lands under water bodies; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; rivers, streams, brooks and creeks, whether perennial or intermittent; lands adjoining these resource areas out to a distance of 200 feet, known as the river front area; lands subject to flooding or inundation by groundwater or surface water (collectively the "resource areas protected by this ordinance"). Said resource areas shall be protected whether or not they border surface waters.

Jurisdiction under this Ordinance shall be the same as in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, except as outlined below.

In accordance with the Massachusetts Wetlands Protection Act and based upon local historical experience, the Commission has determined that the following provisions are necessary to address and clarify issues particular to Greenfield and to protect the interests contained in the Massachusetts Wetlands Protection Act, MGL c. 131, § 40. Each provision is followed by a brief explanation in italics of the intended purpose, which is not binding.

- a. For activities within jurisdiction, a minimum of a 25-foot "No Disturb Zone," shall be maintained or provided between resource areas and all altered areas. The Commission shall create a wider "No Disturb Zone" ~~within the 100-foot buffer zone~~ when deemed necessary to protect the resource area because of the environmental quality or the hydrology of the resource area. The following are not subject to a "No Disturb Zone":
 - i. Utility rights-of-way;
 - ii. emergency activities;
 - iii. any work with Limited Project Status; and
 - iv. activities currently exempted from the requirements for the riverfront area under 310 CMR 10.58(6). All references to signage in the definitions of Minor Exempt Activities in Buffer Zone or

Riverfront Area as expanded in the October 2014 WPA shall be interpreted to apply only to signage erected and maintained by the Town of Greenfield and other government entities.

This provision serves to ensure protection from negative impacts during activities within a resource area and the long-term viability of a resource area.

- b. The following activities are prohibited within the 100-year floodplain if implemented after August 7, 1996:
- i. The outdoor storage of autos, auto parts and associated materials, lawn equipment, including but not limited to lawn mowers, weed whackers, snow blowers, etc.
 - ii. Solid waste landfills, junkyards, salvage yards, dumps;
 - iii. The manufacture, storage, or disposal of hazardous, toxic, or radioactive wastes;
 - iv. The temporary or permanent storage or disposal of materials used in snow and ice control including sand, salt or other deicing chemicals;
 - v. The outdoor storage or placement of storage tanks, above or below ground for petroleum products or other hazardous material;
 - vi. The storage, dumping, filling, disposal, of earth, yard waste, or other materials.

These restrictions serve to protect areas within the floodplain from potential sources of contamination from pollutants. Vehicles and their accessories (road salt, sand, oil, gas) stored in the floodplain will pollute surface water during flooding events, as well as themselves becoming dangerous debris.

- c. 100% compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within the 100-year floodplain.

This provision clarifies that the Commission considers all incremental reductions in flood storage capacity to be significant over time, and therefore requires replacement at a 1:1 ratio.

- d. Wetlands crossings to provide access to otherwise unreachable upland areas may be allowed only if:
- i. The only buildable uplands available on the lot have no reasonable alternative means of access from any road, whether publicly or privately owned
 - ii. The crossing is designed to minimize to the greatest extent possible any disruption of the wetland
 - iii. The driveway length and design is the minimum length and width necessary to provide access to the proposed use.

This provision clarifies the criteria for determining the appropriateness of proposed wetlands crossing. The Commission may request the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can, obtain an ownership interest; may impose conditions to protect the wetlands; or the Commission may deny a permit for a wetland crossing if the above criteria have not been satisfactorily met.

- e. To prevent resource area loss, the Commission shall require applicants to avoid or minimize alteration wherever feasible; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting that assures success. Replication shall only be allowed when a preponderance of the evidence demonstrates to the satisfaction of the Commission that the hydrological and ecological value of the replicated wetland would be greater than that of the wetland to be replaced. Estimation of wetland value and guidelines for replication shall be based upon the guidelines for wetland replication as described in the 2002 Massachusetts Inland Wetland Replication Guidelines; Commonwealth of Massachusetts Guidance No. BRP/DWM/WetG02-2.

The purpose of this provision is to provide clarification that the destruction of wetlands shall only be considered as a last resort. Because replication does not in fact substitute for many wetlands values, proposed wetlands replications are at the

discretion of the Commission based upon solid scientific reasoning and shall not be permitted simply based upon a proposed 1:1 replication ratio or the "highest and best use" of a property based upon development potential.

§195-3. EXEMPTIONS AND EXCEPTIONS.

- A. The applications and permits required by this Ordinance shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.
- B. The permit and applications required by this Ordinance shall apply to the harvesting of forestry products under the provisions of M.G.L. ch. 132 sec. 40-46 when an approved forest cutting plan has been properly filed with the Commission.
- C. The applications and permits required by this Ordinance shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, wastewater, storm water, telecommunication services, or public transportation (roads, bridges) provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.
- D. Except as otherwise provided in this Ordinance or regulations of the Commission, the definitions of terms, exemptions, limited projects, performance standards, time frames, and requirements shall be as set forth in the Wetlands Protection Act, MGL Chapter 131, Section 40, and in 310 CMR 10.00 ("the State regulations") as may be amended from time to time.
- E. The applications and permits required by this Ordinance shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Ordinance. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. No work on any emergency project shall be conducted after the expiration of thirty (30) days from the initial certification of the project as an emergency project.

§195-4. APPLICATION AND FEES.

- A. Written application shall be filed with the Commission to perform activities affecting resource areas protected by this Ordinance. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this Ordinance. No activities shall commence without receiving and complying with a permit issued pursuant to this Ordinance.
- B. The Commission may accept as the application and plans under this Ordinance any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00), but the Commission is not obliged to do so.

- C. Any person desiring to know whether a proposed activity or an area is subject to this Ordinance may in writing request a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans as are deemed necessary by the Commission.
- D. Procedures under this Ordinance are the same as the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, in terms of procedures and forms, with the following exception:
- ~~a. At the time of filing an application, the applicant shall pay a Town filing fee specified in Rules and Regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act and Regulations. This fee shall be deposited in the Greenfield Conservation Commission Ordinance Account.~~
- ~~b.~~a. The Applicant shall submit seven (7) copies of each application. Applicant must submit complete application and all supplemental materials by noon at least seven (7) business days prior to the Commission meeting date. *Please note, Town observed holidays might change this timeframe.*
- E. Upon receipt of a Request for Determination of Applicability (RDA), Notice of Intent (NOI), Abbreviated Notice of Intent (ANOI), or Abbreviated Notice of Resource Area Delineation (ANRAD) application, or at any time during the hearing process, the Commission is authorized to require an applicant to pay a fee for the costs and expenses borne by the Commission for securing specific outside consultants including engineers, wetlands scientists, land surveyors, wildlife biologists or other experts deemed necessary by the Commission to come to a final decision on the application. This fee is called the "Consultant Fee." The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a resource survey and delineation; analyzing resource area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law.
- F. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional Consultant Fees shall be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services. Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission.
- G. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to be given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing. An applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Law.

§195-5. NOTICE AND HEARINGS.

- A. An application for any wetland permit (NOI, RDA, ANOI, or ANRAD) shall be filed with the Commission, Greenfield Department of Planning and Development by mail, electronic, or hand delivery. Applicant shall give written notice to the property owner if other than the applicant.
- B. When submitting any wetland permit, other than a Request for Determination of Applicability, applicant shall notify by certified mail all abutters and owners of property within 300-ft of the property lines, as

determined by the most recent assessor's maps, of nature and intent of proposed project and dates of applicable public hearing, if known. The notice to abutters shall also state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice to abutters, shall be filed with the Commission.

- C. **The Commission shall conduct a public meeting on any RDA application. The Commission shall conduct a public hearing on any other wetland permit application (NOI, ANOI, or ANRAD).**~~The Commission shall conduct a public hearing on any wetland permit application (NOI, RDA, ANOI, or ANRAD).~~ Notice of said hearing shall be published in a local newspaper of general circulation at least five working days prior to said hearing at the expense of the applicant. The published notice, which shall be prepared by the Commission, shall contain the following information: the date, time, and place of hearing; the location of the property affected; the name of the applicant; and the action requested from the Commission. The Commission shall have authority to continue the hearing, with the applicants' approval, to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission.
- D. The Commission shall issue its wetland permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission shall send the wetland permit, other order or determination to the property owner as well as the applicant, if different. The Commission in an appropriate case may combine its hearing under this ordinance with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00). *Applicants may contact the Conservation Agent or refer to the Greenfield Conservation Commission Rules and Regulations for more information on meeting structure.*

§195-6. COORDINATION WITH OTHER BOARDS.

An applicant must provide, at their own expense, seven (7) copies of the application and associated materials to the Commission. One (1) copy is distributed to each Commissioner; two (2) copies are on file at the Department of Planning and Development for review by other Boards/Departments (Zoning Board of Appeals, Agricultural Commission, Building Department, Health Department, Planning Board, and the Assessor's office). Once finalized materials are received, the Conservation Agent shall notify relevant Boards/Departments that materials are available for review. Comments from other boards and departments should be submitted to the Conservation Agent prior to the scheduled public meeting.

§195-7. PERMITTING CONDITIONS.

A. Permits

If the Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result there from, are likely to have a significant individual or cumulative effect on the resource area values protected by this ordinance, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

B. Conditions

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions.

C. Denials

Where no conditions are adequate to protect resource areas, the Commission may deny a permit for failure to meet the requirements of this Ordinance. It may also deny a permit for:

- a. failure to submit necessary information and plans requested by the Commission;
- b. failure to comply with the procedures, design specifications, performance standards, and other requirements of the Commission;
- c. failure to avoid, minimize, or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this Ordinance.
- d. failure to correct any outstanding violations within the Town of Greenfield under this Ordinance or the Massachusetts Wetlands Protection Act, MGL c. 131, § 40.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

D. Waiver

The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; and that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

E. Buffer Zone

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the ordinance.

F. Riverfront Area

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise. No permit issued hereunder shall permit any activities within the riverfront unless the applicant, in addition to meeting the otherwise applicable requirements of this ordinance, has proved by a preponderance of the evidence that:

- a. there is no practicable alternative to the proposed project with less adverse effects, and;
- b. such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this ordinance.

The Commission shall regard an alternative as practicable that which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

G. Alteration and Replication

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but

only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting that assures success. Replication shall only be allowed when a preponderance of the evidence demonstrates to the satisfaction of the Commission that the hydrological and ecological value of the replicated wetland would be greater than that of the wetland to be replaced. Estimation of wetland value and guidelines for replication shall be based upon the guidelines for wetland replication as described in the 2002 Massachusetts Inland Wetland Replication Guidelines; Commonwealth of Massachusetts Guidance No. BRP/DWM/WetG02-2.

H. Special Studies

The Commission may require a special study (i.e., wildlife habitat, geomorphic, hydrologic, stormwater studies) of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, actual or possible presence of rare plant or animal species in the area, physical properties of the site, or proximity of the site to nearby resource areas of particular importance. Special studies shall be performed by an individual who at least meets the qualifications set out in the Wetlands Protection Act regulations (310 CMR 10.60).

I. Special Resource Areas

The Commission may assign special resource area status to sites that perform unique resource functions and condition protections for those special resource areas. These areas may include (but are not limited to) rare species habitat, wildlife migration corridors, areas sensitive to runoff, flooding, erosion, desiccation, and vernal pools. The Commission shall presume that all areas meeting the definition of "vernal pools" under §195-9 (Definitions) of this ordinance, including the adjacent area, perform essential habitat functions, and warrant protection. Assignment of special resource areas may be supported or refuted only by credible evidence which, in the judgment of the Commission, demonstrates that the area does or does not provide essential or special resource functions. Any formal special resource area evaluation should be performed by an individual who at least meets the qualifications under the Wetlands Protection Act regulations.

J. Term of Applicability, Renewals, Revocations, and Amendments

- a. A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.
- b. For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this ordinance after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.
- c. Amendments to permits shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.
- d. The Commission in an appropriate case may combine the decision issued under this ordinance with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

K. Initiation of Work

No work proposed in any application shall be undertaken until the permit, or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

L. Wetland Delineations

All delineations of wetland boundaries that come before the Commission for approval shall include the submission of the MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form used to determine these boundaries.

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§195-8. REGULATIONS.

Rules and Regulations, and any changes or modifications, shall be adopted and take effect only following Public Notice and Public Hearing, a vote by the Commission, approval by Town Council, and the filing with the Town Clerk. Rules and Regulations are established to carry out the purpose of this Ordinance, to explain the conduct and procedures of the Commission, and to provide guidance to applicants seeking to conduct a regulated activity. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Ordinance. At a minimum, these regulations shall reiterate the terms defined in this Ordinance, define additional terms not consistent with the Ordinance, and impose filing and consultant fees.

§195-9. DEFINITIONS.

- A. Except as otherwise provided in this ordinance or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this ordinance shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).
- B. The following definitions shall apply in the interpretation and implementation of this ordinance:
 - a. The term "agriculture" shall refer to the definition as provided by 310 CMR 10.04 (Agriculture).
 - b. The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance:
 - i. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
 - ii. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
 - iii. Drainage, or other disturbance of water level or water table
 - iv. Dumping, discharging, or filling with any material which may degrade water quality
 - v. Placing of fill, or removal of material, which would alter elevation
 - vi. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
 - vii. Placing of obstructions or objects in water
 - viii. Destruction of plant life including cutting or trimming of trees and shrubs
 - ix. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
 - x. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
 - xi. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this ordinance.

- c. The term “bank” shall include the land area, which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.
- d. The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to city ordinances, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.
- e. The term “pond” shall follow the definition of 310 CMR 10.04.
- f. The term “rare species” shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.
- g. The term “vernal pool” shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the resource area for vernal pools shall be the mean annual high-water line defining the depression.
- h. The term “cumulative effect” shall include any impact on the resource area environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.

§195-10. SECURITY.

As part of a permit issued under this ordinance, in addition to any security required by any other municipal or state board, or official, the Commission may require that the performance and observance of the conditions imposed there under be secured wholly or in part by one or more of the methods described below:

- A. Surety – By bond, deposit of money, or other undertaking of financial responsibility sufficient in the opinion of the Commission payable to the Town of Greenfield, to be released in whole or in part upon the issuance of a certificate of compliance for work performed pursuant to the permit; or
- B. Restriction – By conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage. This method shall be used only with the consent of the applicant.

§195-11. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- A. Activities which remove, fill, dredge, build upon or otherwise alter resource areas protected by this ordinance, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or enforcement order issued pursuant to this ordinance shall constitute a violation.

- B. The Commission shall have authority to enforce this ordinance, its regulations, and permits issued thereunder by violation notices, non-criminal citations under G.L. Ch. 40 /21D, and civil and criminal court actions. Any person who violates provisions of this ordinance may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.
- C. When a violation is believed to have occurred, the following procedures for violations shall be followed by the Conservation Agent or member(s) of the Commission:
- a. Contact the property owner to:
 - i. Request oral permission from the property owner to conduct a site visit; or
 - ii. If the property owner cannot be contacted or refuses entry onto the property, verify violation from a public way or a cooperative neighboring property; or
 - iii. Obtain the necessary court order to allow entry onto the property and send a certified letter to the property owner's mailing address according to the most recent Tax Assessor information notifying property owner of a scheduled site visit.
 - b. Conduct a site visit. Determine if a violation has occurred and the extent of the violation through examination, survey, or sampling as determined by the Commission.
 - c. Based upon the severity of the violation, issue a cease and desist order and require any of the following remedies:
 - i. Stoppage of work and implementation of soil erosion control measures if necessary;
 - ii. Owner to attend a scheduled Commission meeting to present a "mitigation plan";
 - iii. Filing of a request for determination of applicability;
 - iv. Filing of a notice of intent.
- B. If the property owner does not comply with the cease and desist order or order of conditions in a timely manner the Commission shall issue an enforcement order as per 310 CMR 10.08.
- C. If the property owner fails to comply with the enforcement order by the specified date, a maximum of a \$500 a day fine shall be levied at the discretion of the Conservation Commission under the Noncriminal Disposition Act. The property owner shall be notified of the fine by certified mail or served by the enforcing person(s) who shall be the Conservation Commission, any of its designees or any police officer.
- D. Upon request of the Commission, the Town shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this ordinance, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of not more than \$300 per day. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the ordinance, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which has been adopted by the Town in §1-3 and §1-9 of the general bylaws.

§195-12. BURDEN OF PROOF.

The applicant requesting a permit under this Ordinance shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have a significant or cumulative effect upon the jurisdictional resource areas protected by this Ordinance. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

§195-13. APPEALS.

A decision of the Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.

§195-14. RELATION TO THE WETLANDS PROTECTION ACT.

This Ordinance is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this Ordinance that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

This Ordinance establishes expanded jurisdiction over all resource areas, beyond the Act. The standards applied, however, are not intended to be identical for all resource areas, as they differ. For instance, it is expected that the Commission's regulations and decisions will be stricter for wetlands and vernal pools than they will be for floodplains. It is expected that the test of avoid-minimize-mitigate set forth in the Ordinance will be applied to activities within all resource areas, but that the stricter two-part "no practicable alternative" and "no significant adverse impact" test set forth in the Ordinance will be applied within the riverfront area. The Commission will develop and apply its own standards within the buffer zone, especially to protect its buffering function.

§195-15. SEVERABILITY.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination, which previously has been issued.

DISCUSSION: Councilor Maloni stated the Appointment and Ordinance Committee forwarded a unanimous positive recommendation. He noted the amendments were not substantial changes but rather a “cleanup of language.”

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -029.

Order no. FY 17-024

MOTION: On a motion by Councilor Ricketts, second by Councilor Renaud, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, BY ADDING NUMBER 200-7.1. “ACCESSORY DWELLING UNITS”, AS WRITTEN HEREIN AND ATTACHED AS EXHIBIT A, 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.

EDC AUGUST 9, 2016 DRAFT

PLANNING BOARD AMENDMENTS ARE BOLD *ITALIC*

EDC AMENDMENTS ARE BOLD RED

TOWN COUNCIL AMENDMENTS BLUE

PROPOSED AMENDMENT TO THE GREENFIELD ZONING ORDINANCE

Revised March 20, 2015, April 2, 2015, February 19, 2016, March 3, 2016, April 7, 2016, August 4, 2016

Amend the Zoning Ordinance by adding a new section on Accessory Dwelling Units to read as follows:

~ 200-7.18. Accessory Dwelling Units

- A. Purpose. The purpose of permitting accessory dwelling units (aka accessory apartments or in-law apartments) is to:
- (1) Develop housing units in owner occupied single-family homes that are appropriate for households at a variety of stages in their life cycle;
 - (2) Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
 - (3) Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to low and moderate income households who might otherwise have difficulty finding housing;
 - (4) Provide housing units for persons with disabilities;
 - (5) Protect stability, property values, and the residential character of a neighborhood.
 - (6) Encourage increased housing density; and
 - (7) Legalize existing conversions to encourage compliance with the State Building Code.

B. Definitions.

ACCESSORY DWELLING UNIT, WITHIN – An Accessory Dwelling Unit that is within a single-family home is a self-contained housing unit incorporated within the single-family home that is clearly a subordinate part of the single-family home and complies with each of the criteria stated in this ordinance. ~~This definition does not include a trailer or mobile home, however mounted.~~

ACCESSORY DWELLING UNIT, ATTACHED -- An attached Accessory Dwelling Unit is a self-contained housing unit added as an addition to a single-family home that is clearly a subordinate part of the single-family home and complies with each of the criteria stated in this ordinance. This definition does not include a trailer or mobile home, however mounted.

ACCESSORY DWELLING UNIT, DETACHED -- A detached Accessory Dwelling Unit is a self-contained housing unit that is located on the same lot as the structure of a single-family home and may be incorporated within a garage or carriage house or other accessory structure or as a stand alone structure that is clearly subordinate to the primary use as a single-family home and complies with each of the criteria stated in this ordinance. This definition does not include a trailer or mobile home, however mounted.

C. Applicability.

(1) Accessory Dwelling Unit, Within. The Inspector of Buildings may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within an existing or new owner-occupied, single-family home within the Urban Residential (RA), Suburban Residential (RB), Rural Residential (RC), Semi-Residential (SR), and Limited Commercial (LC) Zoning Districts.

(2) Accessory Dwelling Unit, Attached. An attached Accessory Dwelling Unit shall require a Special Permit granted by the Planning Board within the Urban Residential (RA), Suburban Residential (RB), Rural Residential (RC), Semi-Residential (SR), and Limited Commercial (LC) Zoning Districts.

(3) Accessory Dwelling Unit, Detached. A detached Accessory Dwelling Unit shall require a Special Permit granted by the Planning Board within the Urban Residential (RA), Suburban Residential (RB), Rural Residential (RC), Semi-Residential (SR), and Limited Commercial (LC) Zoning Districts.

(4) Any proposed non-conforming attached or detached ADU is subject to a Special Permit from the Planning Board.

D. Accessory Dwelling Unit Standards.

(1) The Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and bath.

(2) Only one Accessory Dwelling Unit may be created within a single-family house or house lot.

(3) The owner(s) of the residence, **or natural persons who are beneficiaries of Trusts which won the residence**, in which the Accessory Dwelling Unit is created must continue to occupy at least one of the dwelling units as their primary residence.

(4) The Accessory Dwelling Unit shall be designed so that the appearance of the building remains that of a single-family residence as much as feasibly possible. Any new entrances shall be

located on the side or rear of the building. A detached accessory dwelling unit shall be compatible in design with the primary residence. Any stairways, access, or egress alterations serving the Accessory Dwelling Unit shall be enclosed, screened, or located so that visibility from public ways is minimized.

(5) The maximum gross floor area of Accessory Dwelling Units shall be 900 sq. ft. or one-third the total gross floor area of the single family home, whichever is greater.

~~The maximum gross floor area of Accessory Dwelling Units shall adhere to the following table:~~

~~Accessory Dwelling Unit, Within: 800 sq. ft. or one third of the total gross floor area of the single family home, whichever is greater.~~

~~Accessory Dwelling Unit, Attached: 800 sq. ft.~~

~~Accessory Dwelling Unit, Detached: 800 sq. ft.~~

(6) Once an Accessory Dwelling Unit has been added to a single-family residence or lot, the Accessory Dwelling Unit shall never be enlarged beyond the square footage of the original permit for the Accessory Dwelling Unit.

(7) An Accessory Dwelling Unit may not be occupied by more than three (3) people nor have more than two bedrooms.

(8) A minimum of two (2) but no more than four (4) off-street parking spaces must be available for use by the owner-occupants and tenants.

(9) The construction of any Accessory Dwelling Unit must be in conformity with the State Building Code, Title V of the State Sanitary Code, 527 CMR – MA Fire Prevention Regulations and other local ordinances and regulations.

(10) Prior to issuance of a permit, the owner(s) must send a notarized letter to the appropriate permitting authority stating that the owner(s) will occupy one of the dwelling units on the premises as the owner's permanent/primary residence.

(11) When a structure which has received a Permit for an Accessory Dwelling Unit is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Inspector of Buildings stating that they will occupy one of the dwelling units on the premises as their primary residence. This statement shall be listed as condition on any Permits which are issued under this Section.

(12) Permits issued under this section shall specify that the owner must occupy one of the dwelling units. The Special Permit and the notarized letters must be recorded in the Franklin County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Inspector of Buildings, prior to the occupancy of the Accessory Dwelling Unit.

(13) Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

(14) For dwellings to be served by on-site septic system, the owner must obtain a letter from the Board of Health stating that the existing sewage disposal system is adequate for the proposed Accessory Dwelling Unit before a Special Permit can be obtained.

(15) In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Inspector of Buildings or Planning Board may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

E. Existing Owner-Occupied Single Family Dwellings within Non-Residential Zoning Districts

(1) The Planning Board as SPGA may authorize the use of an attached or detached Accessory Dwelling Unit ~~within~~ *for* an existing owner-occupied single family home or lot within non-residential zoning districts provided that all provisions of this ordinance are met.

F. Accessory Dwelling Units in Existence before the Adoption of the Accessory Dwelling Unit Ordinance

(1) To ensure that Accessory Dwelling Units or conversions in existence before the adoption of this Accessory Dwelling Unit ordinance are in compliance with the State Building Code the following application process is available.

(a) The Planning Board may authorize, under a Special Permit and in consultation with the Inspector of Buildings, a use known as an Accessory Dwelling Unit in an Owner-Occupied, Single-Family Dwelling. The Board in consultation with the Inspector of Buildings will review each existing use on a case-by-case basis to determine if the dwelling conforms to State Building Code.

(b) The applicant must follow the same procedure described in this ordinance including the submission of a notarized letter declaring owner occupancy.

G. Administration and Enforcement.

(1) It shall be the duty of the Inspector of Buildings to administer and enforce the provisions of this ordinance.

(2) No building shall be constructed or changed in use or configuration, until the Inspector of Buildings has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and ordinances. Any new building or structure shall conform to all adopted state and town laws, ordinances, codes and regulations. No Accessory Dwelling Unit shall be occupied until a certificate of occupancy has been issued by the Inspector of Buildings where required.

(3) The Inspector of Buildings shall refuse to issue any permit, which would result in a violation of any provision of this ordinance or in a violation of the conditions or terms of any special permit or variance granted by the Special Permit Granting Authority or its agent.

(4) The Inspector of Buildings shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

~~(5) The Planning Board as SPGA may, after making findings of fact that support its decision, approve modifications to the standards of Section D of this ordinance. *Upon request of the homeowner applicant, the Planning Board as SPGA may, after making findings of fact, waive standards of Section D of this ordinance.*~~

DISCUSSION: Councilor Ricketts stated the EDC forwarded a unanimous positive recommendation. President Allis reviewed the proposed ordinance and enforcement of the new Zoning Ordinance. Vice-President Mass stated the language in section G (5) was vague and would be in favor of an amendment to elevate that.

MOTION: On a motion by Councilor Mass, second by Councilor Wainstein, it was by majority, 1 no,
VOTED: TO INSERT THE FOLLOWING LANGUAGE IN SECTION G (5) AFTER THE WORD “FACT,”, “**THAT A WAIVER IS MERITED GIVEN THE TOTALITY OF CIRCUMSTANCES,**”

Councilor Childs stated Northampton had ADU for several years and had not had any issues. Councilor Renaud spoke of the descending public opinion she had heard from constituents and would be in favor of further discussion.

MOTION: On a motion by Councilor Renaud, second by Councilor Wainstein, it was by roll call, 9 no and 2 yes,
DEFEATED: TO TABLE THE ORDER.

MOTION: On a motion by Councilor Mass, second by Councilor Ricketts, it was unanimously,
VOTED: TO CALL THE QUESTION.

It was by majority, 2 no,

VOTED: THAT THE GREENFIELD TOWN COUNCIL AMENDS THE CODE OF THE TOWN OF GREENFIELD ZONING ORDINANCE CHAPTER 200, BY ADDING NUMBER 200-7.1. “ACCESSORY DWELLING UNITS”, AS WRITTEN HEREIN AND ATTACHED AS EXHIBIT A, 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, AS AMENDED.

Order no. FY 17-026

MOTION: On a motion by Councilor Ricketts, second by Councilor Mass, it was,
MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS CHAPTER 164 §56, THAT THE MANAGER OF THE GREENFIELD COMMUNITY ENERGY AND TECHNOLOGY DEPARTMENT BE HIRED FOR A TERM OF FIVE (5) YEARS AT A SALARY OF \$150,000 PER YEAR CONTINGENT ON HIS PROVIDING BOND PER THE STATUTE.

DISCUSSION: Councilors Ricketts and Lobik noted the Economic Development Committee and Ways and Means Committee tabled the order. President Allis stated the Special Legislation presented by the Mayor would be considered under new business. Councilors expressed concern and confusion with information presented which indicated the Town Council set the salary and term of the contract; however, discussion with the Town Attorney at tonight’s Ways and Means Committee was contrary to this information.

MOTION: On a motion by Councilor Mass, second by Councilor Maloni, it was unaimously,
TABLED: TO APPROVE ORDER NO. FY 17 -026.

Order no. FY 17-027**Financial Order 17-08**

MOTION: On a motion by Councilor Lobik, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED, UPON RECOMMENDATION OF THE MAYOR AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THAT \$60,000 FOR GRINDING OF ROAD MATERIAL BE APPROPRIATED FROM THE CAPITAL STABILIZATION FUND.

DISCUSSION: Councilor Lobik stated the Ways and Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -027, FINANCIAL ORDER 17-08.

Order no. FY 17-013

MOTION: On a motion by Councilor Lobik, second by Councilor Mass, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN COUNCIL APPROVES THE ATTACHED RESERVE FUND TRANSFER FOR A FISCAL YEAR 2015 BILL FOR VERIZON TO BE TRANSFERED INTO ACCOUNT NUMBER 0100.1910.5341 IN THE AMOUNT OF \$1,328.03.

DISCUSSION: Councilor Lobik stated the Ways and Means Committee forwarded a unanimous positive recommendation. President Allis stated 12 Councilors needed to vote in favor of this order for it to pass

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 17 -013.

It was noted that the following Charter amendments were recommended by the Commonwealth.

Order no. FY 17-028

MOTION: On a motion by Councilor Mass, second by Councilor Ricketts, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN CHARTER ARTICLE 7, SECTION 7-7 CITIZEN INITIATIVE MEASURES, SUBSECTION (c) AND (e) BE FURTHER AMENDED BY RECOMMENDATION OF THE COMMONWEALTH OF MASSACHUSETTS SENATE HOUSE COUNCIL AS INDICATED IN THE ATTACHED STRIKE DRAFT:

SECTION 7-7: CITIZEN INITIATIVE MEASURES

An Act relative to initiative petitions in the city known as the town of Greenfield.

Section 7-7 of the charter of the city known as the town of Greenfield which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws is hereby amended by striking out subsections (a) to (e), inclusive, and inserting in place thereof the following 5 subsections:

(c) *Submission to Town Clerk* - If the opinion of the Town Attorney is that the petition is eligible under Section 7-7 (b), the Town Clerk shall provide blank forms for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed measure, as determined by the Town Attorney, together with the names and addresses of the first ten (10) voters who signed the originating petition. Within ninety (90) days following the date the blank forms are issued by the Town Clerk, the petitions shall be returned and filed with the Town Clerk signed by at least ten percent (10%) of the total number of voters **voting in** ~~as of the date of~~ the most recent regular biennial Town election, but no less than five percent (5%) of all registered voters **on the same date**. Signatures to an initiative petition need

not all be on one (1) paper, but all such papers pertaining to any one measure shall be fastened together and shall be filed as a single instrument, with the endorsement thereon of the name and residence address of the person designated as filing the same. With each signature on the petition there shall also appear the street and number of the residence of each signer.

(e) *Supplementary Petitions* - Within sixty (60) days following the date an initiative petition has been rejected a supplemental initiative petition may be filed with the Town Clerk by the petitioner's committee as determined in section 7-7(a). The supplemental initiative petition shall be in the same form as the initial petition and signed by a number of additional voters, which is equal or greater than five percent (5%) of the total number of voters **voting in** ~~as of the date of~~ the most recent regular biennial Town election, but no less than two and one half percent (2 ½ %) of all registered voters **as of the same date**. If the number of signatures to such supplemental petition is found to be sufficient by the Town Clerk, the Town Council shall call a special election to be held on a date fixed by it not less than one hundred and twenty (120) nor more than one hundred eighty (180) days following the date of the certificate of the Town Clerk that a sufficient number of voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the voters for determination; provided, however, if any other Town election is to be held within one year following the date of the said certificate, the Town Council may omit the calling of such special election and cause said question to appear on the election ballot at such approaching election for determination by the voters at the next regular biennial election.

AND THAT THE TOWN COUNCIL FURTHER INSTRUCTS THE TOWN CLERK TO RESUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE TOWN CHARTER.

Order no. FY 17-029

MOTION: On a motion by Councilor Mass, second by Councilor Ricketts, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN CHARTER ARTICLE 7, SECTION 7-8 CITIZEN REFERENDUM PROCEDURES, SUBSECTION (a) BE FURTHER AMENDED BY RECOMMENDATION OF THE COMMONWEALTH OF MASSACHUSETTS SENATE HOUSE COUNCIL AS INDICATED IN THE ATTACHED STRIKE DRAFT:
SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

An Act relative to referendum procedures in the city known as the town of Greenfield.

SECTION 1. Section 7-8 of the charter of the city known as the town of Greenfield which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the

General Laws is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:

(a) *Petition, Effect on Final Vote* - If, within thirty (30) days following the date on which the Town Council or the School Committee has voted finally to approve of any measure a petition signed by a number of voters equal to ten percent (10 %) of the total number of voters **voting in** ~~as of the date of~~ the most recent regular biennial Town election, but no less than two and one half percent (2 ½ %) of all registered voters **as of the same date**, and addressed to the Town Council or to the School Committee as may be, protesting against the measure or any part thereof is filed with the Town Clerk the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies under Section 3-7 are expired. The School Committee or the Town Council shall forthwith reconsider its vote on such measure or part thereof at the next regularly scheduled meeting, and, if such measure is not rescinded the Town Council shall provide for the submission of the question for a determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular Town election, but pending such submission and determination the effect of such measure shall continue to be suspended.

AND THAT THE TOWN COUNCIL FURTHER INSTRUCTS THE TOWN CLERK TO RESUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE TOWN CHARTER.

Order no. FY 17-030

MOTION: On a motion by Councilor Mass, second by Councilor Ricketts, it was unanimously,
MOVED: THAT IT BE ORDERED THAT THE GREENFIELD TOWN CHARTER ARTICLE 7, SECTION 7-12 RECALL ELECTIONS, SUBSECTION (B) BE FURTHER AMENDED BY RECOMMENDATION OF THE COMMONWEALTH OF MASSACHUSETTS SENATE HOUSE COUNCIL AS INDICATED IN THE ATTACHED STRIKE DRAFT:

SECTION 7-12: RECALL ELECTIONS

An Act relative to the board of registrars of voters in the city known as the town of Greenfield.

SECTION 1. Subsection (b) of section 7-12 of the charter of the city known as the town of Greenfield which is on file in the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:

The Board of Registrars of Voters shall within ten (10) days following the date the petition forms are filed certify **both** the number of signatures thereon which are the names of voters and the percentage that number represents of the total number of voters **voting and total number of voters registered** as of the date of the most recent regular biennial Town election.

AND THAT THE TOWN COUNCIL FURTHER INSTRUCTS THE TOWN CLERK TO RESUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE TOWN CHARTER.

Order no. FY 17-031

MOTION: On a motion by Councilor Mass, second by Councilor Renaud, it was,
MOVED: THAT IT BE ORDERED THE GREENFIELD TOWN COUNCIL NAMES THE YET TO BE CONSTRUCTED, COMMUNITY CENTER THE “JOHN ZON COMMUNITY CENTER”.

DISCUSSION: Councilor Mass reviewed the reasons he proposed the naming of the Community Center. The following comments were heard:

- Appreciation of the seniors who spoke this evening.
- If the name was not adopted the structure would still be a Community Center.
- If the word “senior” were included in the name there were connotations outlined in Charter section 6-18.
- John Zon exemplifies community.
- The Planning and Construction Committees negative recommendation to name buildings after people.
- The Senior Center can be located in the Community Center.
- Rather than naming the building perhaps there could be a memory garden or tree named after people.
- The creation of the ordinance indicated the Town Council wanted to name buildings after people.

It was by roll call majority, 6 yes and 5 no,

VOTED: TO APPROVE ORDER NO. FY 17 -031.

Order no. FY 17-032

MOTION: On a motion by Councilor Ricketts, second by Councilor Renaud, it was unanimously, **VOTED:** THAT IT BE ORDERED, THE GREENFIELD TOWN COUNCIL HEREBY APPROVES THE ATTACHED STATE PRIMARY ELECTION WARRANT FOR SEPTEMBER 8, 2016 AND FURTHER AUTHORIZES THE TOWN COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE TOWN COUNCIL.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS None.

REPORTS OF COMMITTEES None.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: President Allis discussed the attached draft letter and motion submitted by the Mayor regarding Special Legislation for a Municipal Light Commission. It was noted that if this were considered tonight and three Councilors objected, by Charter, the item would be placed on the next regular Town Council agenda for consideration.

MOTION: On a motion by Councilor Ricketts, second by Councilor Renaud, it was unanimously, **MOVED:** TO CONSIDER THE ORDER:

VOTED: THAT THE CITY OF GREENFIELD FORTHWITH SEEK AND OBTAIN SPECIAL MUNICIPAL LEGISLATION, PURSUANT TO THE REQUIREMENTS OF APPLICABLE LAW, FOR THE CREATION OF A MUNICIPAL LIGHT COMMISSION SUBJECT TO THE PROVISIONS OF MGL C. 164, SECTIONS 56A-56E WITH SAID COMMISSION TO CONSIST OF 5 CITIZENS OF THE CITY WHO SHALL NOT HOLD OTHER PUBLIC OFFICE THEREIN. THE COMMISSION SHALL SELECT ONE OF ITS MEMBERS AS THE CHAIR BY MAJORITY VOTE OF THE MEMBERS AT A MEETING DULY CALLED FOR THAT PURPOSE. THE COMMISSION SHALL HAVE AND EXERCISE THE POWERS AND BE SUBJECT TO THE DUTIES RELATIVE TO THE MUNICIPAL LIGHT PLANT OF THE CITY (THE GREENFIELD COMMUNITY ENERGY AND TECHNOLOGY COMPANY OR GCET) WHICH ARE NOW CONFERRED OR IMPOSED BY LAW UPON THE MAYOR OF GREENFIELD SUCH AS, BUT NOT LIMITED TO, THE POWER TO APPOINT THE MANAGER OF THE GCET WHO SHALL BE UNDER THE COMMISSION’S DIRECTION AND CONTROL. THE MAYOR SHALL APPOINT THE MEMBERS OF THE COMMISSION, WITH APPROVAL BY TOWN COUNCIL, WHO SHALL SERVE STAGGERED 5-YEAR TERMS. ANY VACANCY OF A REGULAR MEMBER OF THE COMMISSION SHALL BE FILLED BY APPOINTMENT OF A NEW MEMBER BY THE MAYOR, WITH TOWN COUNCIL APPROVAL.

DISCUSSION: Comments included the following:

- The aforementioned motion is in line with the intent of the citizens' vote.
- This would create a skilled committee to oversee the GCET.
- Until the committee was formed the Mayor would oversee the department.
- If this were voted tonight the Legislature may complete action in January 2017.
- There are still too many questions to be answered.

Councilors Renaud, Ricketts and Maloni objected to this item; therefore, the item would be placed on the September Town Council agenda for consideration.

Councilor Lobik held the following first reading: Appropriate \$2,000 from the Conservation Trust Fund #8500 for trail work on the Green River Conservation Land

MOTIONS FOR RECONSIDERATION: None.

ADJOURNMENT: On a motion by Councilor Ricketts, second by Councilor Mass, it was unanimously **VOTED:** TO ADJOURN THE MEETING AT 9:49P.M.

A true copy,

Attest: _____
Deborah J. Tuttle, Town Clerk

GREENFIELD TOWN COUNCIL MEMBERS

GCTV-15
 Regular Meeting
 August 17, 2016

		17- Table 035	17-035	17- Table 024	17-031		
1. Sund, Verne	Y	N	N	N	N		
2. Lobik, John	Y	Y	N	N	Y		
3. Allis, Brickett	Y	---	---	---	---		
4. Muzyka-Pyfrom, Wanda	Y	N	N	N	Y		
5. Wainstein, Robert	Y	N	Y	Y	Y		
6. Burge, Maria	Y	N	Y	N	Y		
7. Childs, William	Y	N	N	N	N		
8. Stempel, Ashley	Ab.	---	---	---	---	---	---
9. Leonovich, Daniel	Y	Y	N	N	Y		
10. Mass, Isaac	Y	Y	N	N	Y		
11. Renaud, Karen	Y	N	Y	Y	N		
12. Ricketts, Penny	Y	N	Y	N	N		
13. Maloni, Mark	Y	N	Y	N	N		

Yes - 3
 No - 8
 Fails

Yes - 5
 No - 6
 Fails

Yes - 2
 No - 9
 Fails

Yes - 6
 No - 5
 Pass

Received @ TC 8/17/16

Isaac Mass

From: Isaac Mass <imass@isaacmass.com>
Sent: Wednesday, July 06, 2016 4:28 PM
To: supergps@gpsk12.org; Timothy Farrell (tfarrell@gilmoreandfarrell.com); William Martin <WilliamM@greenfield-ma.gov> (WilliamM@greenfield-ma.gov); Brickett Allis (Brickett@wowfroyo.com); Deborah Tuttle <DeborahT@greenfield-ma.gov> (DeborahT@greenfield-ma.gov)
Subject: Questions related to the FBI probe of Greenfield School System

Superintendent Harper,

As indicated in our last communication I have prepared my questions on the FBI probe in advance so that you can limit the need for counsel.

Questions Regarding School Department’s contact with FBI subject to Section 2-7 ACCESS TO INFORMATION of the Greenfield Town Charter:

- 1) Is there currently any reason to believe that state or local funds may have been subject to misappropriation or malfeasance, or is the information referred for investigation limited to Federal funds?
- 2) Is there currently any indication that any current or former employee may have personally profited from actions being investigated?
- 3) Is there currently any indication that the former Superintendent was aware of the information which you reported to the FBI? If so, to your knowledge what, if any, actions did she take in response to this knowledge?
- 4) Were financial audits conducted during the periods in which the activity being investigated took place? If so, did the Audits identify issues related to those being investigated? If not why not?
- 5) What actions has the current administration taken to safeguard against such questionable activity happening in the future?
- 6) Irrespective of any investigation, are there currently other areas where there are indicia that public funds or private grant monies of any kind have been spent, used or otherwise expended by current or former employees of the school department in ways not approved by the School Committee or otherwise not in keeping with the requirements of the funding authorities during the last three years?

Isaac J. Mass

Isaac J. Mass
Attorney at Law
Councilor At-Large
413-768-8500



City known as the Town of
GREENFIELD, MASSACHUSETTS



OFFICE OF THE MAYOR

WILLIAM F. MARTIN

Mayor

Town Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1560 • Fax 413-772-1519
Mayor@greenfield-ma.gov • www.greenfield-ma.gov

August 17, 2016

The Honorable Stan Rosenberg
State House, Room 320
Boston, MA 02133

The Honorable Paul Mark
State House, Room 473F
Boston, MA 02133

Re: Special Act for Creation of a "Municipal Light Commission" Relative to the
Greenfield Community Energy and Technology Company (GCET)

Dear Sen. Rosenberg and Rep. Mark:

Please accept this correspondence as notice that I will soon be filing with the Greenfield Town Council the attached order for their action regarding the filing of a Home Rule Petition to the Massachusetts Legislature to establish a Municipal Light Commission relating to the GCET, a municipal light plant created pursuant to the provisions of Massachusetts General Laws Chapter 164. The Municipal Light Commission is to have and exercise the powers and be subject to the duties relative to the GCET which are now conferred or imposed by law upon the Mayor of Greenfield.

By way of background, the GCET was created and organized in accordance with Chapter 164 of the Massachusetts General Laws to provide an advanced, high speed telecommunications system for municipal use and the use of all residents, businesses and institutions in Greenfield. Pursuant to MGL Chapter 164, Section 56, the mayor of a city is charged with appointing a manager of municipal lighting who shall be under the general direction and control of the mayor. However, MGL Chapter 164, Section 56A allows for the creation, by the Legislature, of a municipal light commission to oversee a local municipal light plant's operations and to be specifically "vested with all powers and duties formerly exercised by the mayor and selectmen under this Chapter"

Cities throughout the Commonwealth have successfully implemented this general governance model of a municipal light commission overseeing the operations of a municipal light plant in lieu of the mayor. See e.g., the Peabody Municipal Lighting Commission and the Taunton Municipal Lighting Plant Commission. In my opinion, this governance model will provide a stronger community based and focused management structure for GCET that will benefit the residents,



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a designated Green Community and a recipient of the "Leading by Example" Award*

businesses and other institutions of Greenfield compared to a model that involves just one municipal official generally overseeing the management of GCET operations.

I will be meeting shortly with the Greenfield Town Council to seek their support for the attached proposed order. I am confident that the Town Council will support these orders and I ask that you make every effort possible to have favorable and expeditious action taken on this request when it reaches you.

I am available to discuss this request with you should you have any questions or concerns.

Sincerely,


William Martin
Mayor



City known as the Town of
GREENFIELD, MASSACHUSETTS



OFFICE OF THE MAYOR

WILLIAM F. MARTIN

Mayor

Town Hall • 14 Court Square • Greenfield, MA 01301
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Mayor@greenfield-ma.gov • www.greenfield-ma.gov

TOWN COUNCIL ORDER

VOTED: THAT THE CITY OF GREENFIELD FORTHWITH SEEK AND OBTAIN SPECIAL MUNICIPAL LEGISLATION, PURSUANT TO THE REQUIREMENTS OF APPLICABLE LAW, FOR THE CREATION OF A MUNICIPAL LIGHT COMMISSION SUBJECT TO THE PROVISIONS OF MGL C. 164, SECTIONS 56A-56E WITH SAID COMMISSION TO CONSIST OF 5 CITIZENS OF THE CITY WHO SHALL NOT HOLD OTHER PUBLIC OFFICE THEREIN. THE COMMISSION SHALL SELECT ONE OF ITS MEMBERS AS THE CHAIR BY MAJORITY VOTE OF THE MEMBERS AT A MEETING DULY CALLED FOR THAT PURPOSE. THE COMMISSION SHALL HAVE AND EXERCISE THE POWERS AND BE SUBJECT TO THE DUTIES RELATIVE TO THE MUNICIPAL LIGHT PLANT OF THE CITY (THE GREENFIELD COMMUNITY ENERGY AND TECHNOLOGY COMPANY OR GCET) WHICH ARE NOW CONFERRED OR IMPOSED BY LAW UPON THE MAYOR OF GREENFIELD SUCH AS, BUT NOT LIMITED TO, THE POWER TO APPOINT THE MANAGER OF THE GCET WHO SHALL BE UNDER THE COMMISSION'S DIRECTION AND CONTROL. THE MAYOR SHALL APPOINT THE MEMBERS OF THE COMMISSION, WITH APPROVAL BY TOWN COUNCIL, WHO SHALL SERVE STAGGERED 5-YEAR TERMS. ANY VACANCY OF A REGULAR MEMBER OF THE COMMISSION SHALL BE FILLED BY APPOINTMENT OF A NEW MEMBER BY THE MAYOR, WITH TOWN COUNCIL APPROVAL.



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