

GREENFIELD CITY COUNCIL
209th Regular Meeting Minutes
September 16, 2020
7:00 p.m.
Webex Conferencing System
Council Vote Summary
WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 21-022

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was, by roll call, 11 yes, 0 no,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, AUTHORIZE THE MAYOR TO NEGOTIATE AND ENTER INTO A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT UNDER G.L. C. 59, §38(H) FOR A TERM OF 20 YEARS CO-EXTENSIVE WITH THE TERM OF THE LEASE WITH THE SOLAR DEVELOPER FOR THE MILL BROOK WELLFIELD SOLAR PROJECT LOCATED AT 195 LOG PLAIN ROAD.

Order no. FY 21-015

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was, by roll call, 11 yes, 0 no,

VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, ORDERED THAT THE SUM OF \$21,000 BE TRANSFERRED FROM FUND 8402 - CAPITAL STABILIZATION, TO REPAIR THE BOILER LOCATED AT THE DPW YARD.

Order no. FY 21-017

MOTION: On a motion by Councilor Dolan, second by Councilor Mayo, it was, by roll call, 10 yes, 1 no, 1 abstention,

VOTED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5: AMEND ZONING ORDINANCE, CHAPTER 200, SECTION 7.18: ACCESSORY DWELLING UNITS; SUBSECTION D: ACCESSORY DWELLING UNIT STANDARDS, BY INSERTING NEW SUBSECTION (14) AS FOLLOWS:

~200-7.18. Accessory Dwelling Units

D. Accessory Dwelling Unit Standards.

- (14) No accessory dwelling unit shall be held in separate ownership from the principal structure or dwelling unit. If ownership is later divided under Massachusetts Condominium Law, all units of the condominium must be owner-occupied.*

Order no. FY 21-019

MOTION: On a motion by Councilor Dolan, second by Councilor Wheeler, it was, by roll call, 2 yes, 9 no, 1 abstention,

DEFEATED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5, TO AMEND:

Chapter 200, the zoning ordinance of the city of Greenfield, is hereby further amended in subsection B of section 200-7.18 by adding the following language at the end of the definition of ACCESSORY DWELLING UNIT, DETACHED: "A detached Accessory Dwelling shall be allowed on a lot that contains a minimum of .75 of an acre in total area or larger."

and further amended in section 200-7.18 by striking subsection C1. and C.2 in its entirety and replacing it with the following language: --

C.1. An Accessory Dwelling unit, Within, and an Accessory Dwelling Unit, Attached, shall require a site plan review by the Planning Board prior to construction.

C.2. An accessory Dwelling Unit, Detached, shall require a special permit review by the Planning Board prior to construction.

Order no. FY 21-018

MOTION: On a motion by Councilor Dolan, second by Councilor Mayo, it was by roll call, 10 yes, 0 no, 1 abstention,

VOTED: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5:

AMEND ZONING ORDINANCE, CHAPTER 200, SECTION 4.13: FLOODPLAIN DISTRICT (F); SUBSECTION B: DISTRICT DELINEATION, BY STRIKING THE CURRENT SECTION (2) IN ITS ENTIRETY AND REPLACING IT AS INDICATED ON THE ATTACHED STRIKE DRAFT, AND SECTION D: USE REGULATIONS, AS INDICATED ON THE ATTACHED STRIKE DRAFT.

PROPOSED ZONING AMENDMENT TO THE GREENFIELD ZONING ORDINANCE
May 5, 2020

Note: Text with a ~~strike through~~ is text to be deleted, *black bold italic* text is newly proposed text.

Amend Section 200-4.13 – Floodplain District of the Zoning Ordinance by so that it reads as follows:

~~~ 200-4.13. Floodplain District (F).~~

A. Purpose. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to reduce the public costs resulting from flood damage, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain, and to preserve and maintain the ground water table and ground water recharge areas within the floodplain.

B. District delineation.

(1) The general boundaries of the Floodplain District are shown on the City of Greenfield Flood Insurance Rate Map (FIRM), dated July 2, 1980, as Zones A, A 1-30 to indicate the 100-year floodplain. The exact boundaries of the district are defined by the 100-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated January 1980. The floodway boundaries are delineated on the City of Greenfield Flood Boundary Floodway Map (FBFM), dated July 2, 1980, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two (2) sets of maps as well as the accompanying Study are incorporated herein by reference and are on file with the City Clerk, Planning Board, Conservation Commission, and Inspector of Buildings.

~~(2) The boundaries as shown on the above referenced maps shall be presumed accurate. This presumption may be overcome only by credible evidence using drainage calculations which shall be:~~

~~(a) Based upon a design storm of seven (7) inches of precipitation in twenty-four (24) hours (i.e., a Type II Rainfall, as defined by the U.S. Soil Conservation Service);~~

~~(b) Based upon the standard methodologies set forth in U.S. Soil Conservation Service Technical Release No. 55, Urban Hydrology for Small Watersheds and Section 4 of the U.S. Soil Conservation Service, National Engineering Hydrology Handbook; and~~

~~(c) Prepared by a registered professional engineer or other professional competent in such matters. Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the boundary of the 100 year floodplain shall be the maximum lateral extent of floodwater which has been observed or recorded. The Zoning Board of Appeals may also require the applicant to determine the boundary using the above referenced drainage calculations.~~

*(2) Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data*

*shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

*(3) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.*

*(4) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones. [Subsection 3 added by the Town Council on July 15, 2009]*

*(5) All subdivision proposals must be designed to assure that:*

*(a) Such proposals minimize flood damage;*

*(b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and*

*(c) Adequate drainage is provided to reduce exposure to flood hazards.*

C. Notification of Watercourse Alteration. In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- (1) Adjacent Communities
- (2) Bordering States (optional)
- (3) NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104

- (4) NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110 [Subsection C added by the Town Council on July 15, 2009]

D. Use regulations. The Floodplain District is established as an overlay district to all other districts. The requirements of the underlying district shall govern subject to the provisions of this section. All development, including structural and nonstructural activities, whether permitted by right or by special permit shall be in compliance with the Wetlands Protection Act, MGL c. 131, ~ 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (~~Section 5323 of the 7<sup>th</sup> Edition of the MA State Building Code~~).

**Order no. FY 21-021**

**MOTION:** On a motion by Councilor Dolan, second by Councilor Mayo, it was, by roll call, 10 yes, 0 no, 1 abstention,

**VOTED:** THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD HEREBY INITIATES THE FOLLOWING ZONE CHANGE IN ACCORDANCE WITH M.G.L.C 40A SECTION 5:

AMEND ZONING ORDINANCE, CHAPTER 200, SECTION 6.1: NONCONFORMING USES; SUBSECTION B: RESTORATION OR RECONSTRUCTION, (1) & (2), AS INDICATED ON THE STRIKE DRAFT BELOW:

**~ 200-6.1. Nonconforming uses.**

B. Restoration or reconstruction.

(1) In the event that a nonconforming building is destroyed by fire, *explosion* or other *natural* cause, or is in a state of disrepair and dilapidated, the same may be reconstructed or repaired on the same location for the same use or a conforming use, provided the new building is at least equal in appearance and character to the original structure.

(2) Restoration or reconstruction due to fire, explosion or other *natural* cause, must be undertaken within one (1) year of the date damage is inflicted unless, upon application to the Board of Appeals, the owner can show that restoration within the time limit is ~~impossible~~ *impracticable*, in which case extension of time may be granted.

**Order no. FY 21-016**

**MOTION:** On a motion by Councilor Desorgher, second by Councilor Mayo, it was, by roll call, 0 yes, 10 no, 1 abstention,

**DEFEATED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL VOTES TO AMEND THE CITY COUNCIL RULES OF PROCEDURE §565-2, RULE 2, MEETINGS, SECTION A: REGULAR MEETINGS, BY DELETING “7:00”, AND INSERTING IN ITS PLACE “6:30”.

**Order no. FY 21-014**

**MOTION:** On a motion by Councilor Desorgher, second by Councilor Forgey, it was, by roll call, 6 yes, 2 no, 3 abstention,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENTS/REAPPOINTMENTS BY THE MAYOR AS FOLLOWS:

Emily Ballard – Human Rights Commission, Term to expire September 30, 2023.

Wendy Goodman – Human Rights Commission, Term to expire September 30, 2023.

Toheeb Bakare - Youth Commission, Term to expire September 30, 2023.

Linda M Smith – Council on Aging, Term to expire September 30, 2023.

David Levandusky – Board of Registrars Republican, Term to expire April 30, 2021.

Wanda Pyfrom – Board of Registrars Republican, Term to expire April 30, 2022.

Eva Carrier – Board of Registrars Democrat, Term to expire April 30, 2023.

Walter Boyd – Zoning Board of Appeals, Term to expire June 30, 2023.

**Order no. FY 21-020**

**MOTION:** On a motion by Councilor Desorgher, second by Councilor Forgey, it was by roll call 12 yes, 0 no, 1 abstention,

**VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING RE-APPOINTMENT BY THE MAYOR TO THE YOUTH COMMISSION: PENNY RICKETTS, FOR A THREE YEAR TERM TO EXPIRE JUNE 30, 2023.