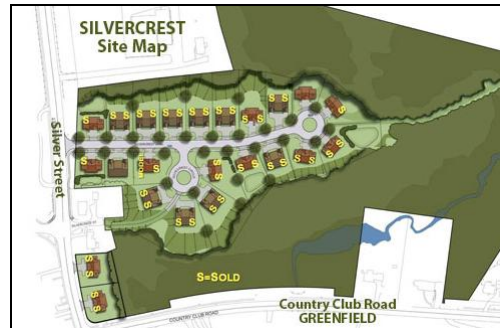


GREENFIELD'S DEVELOPMENT PERMIT GUIDE

A Resource for Homeowners and Developers



Updated May 2016



Town of Greenfield
Mayor William F. Martin

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I. INTRODUCTION

The purpose of this guidebook is to assist developers, realtors, contractors, property owners, and any interested citizen or party wishing to develop a project proposal in the Town of Greenfield. It is the intent of this guidebook to streamline the permitting process for both applicants and Town staff by providing clear, easy to follow procedures and processes required for any proposed development activity in Town. This guidebook is not all inclusive with regard to the necessary approvals, permits and licenses that may be required for a particular project but does provide a basic overview of the development review and permitting process. Prior to proceeding with a development proposal, this guidebook should be referred to.

The following documents are available for purchase:

Greenfield Zoning Ordinance	\$21.00
Zoning Map (11" x 17")	\$ 6.00
Subdivision Regulations	\$15.00

Copies are available at the following locations:

- 1) Town Clerk's Office, 14 Court Square, (413) 772-1555
- 2) Department of Planning and Development, 114 Main Street, (413) 772-1549, and
- 3) At http://www.greenfield-ma.gov/Pages/GreenfieldMA_Planning/forms (PDF versions of the documents can be downloaded at no cost).

II. TOWN BOARDS, DEPARTMENTS and STAFF

The following is a brief description of the function various Town boards, departments and staff have during the development review and permitting process.

Permits Manager **Department of Planning and Development** **772-1551**

The Permits Manager is the first point of contact when designing a project proposal or applying for a permit. This position serves as a “one stop shop” for all development related permit information and applications. Throughout the permitting process, the Permits Manager serves as the “day-to-day” contact and liaison between an applicant and Town boards; helping applicants track where an application is in the process and when a decision on the application can be expected.

Planning Board - The Planning Board approves site plans and issues special permits under the Greenfield Zoning Ordinance, approves subdivisions under the Subdivision Control Law and the Town’s Subdivision Regulations, and reviews and makes recommendations on proposed zoning changes.

Zoning Board of Appeals - The Zoning Board of Appeals issues special permits and variances under the Greenfield Zoning Ordinance. It also hears petitions on administrative appeals from decisions made by the Inspector of Buildings and Planning Board.

Historical Commission - The Historical Commission acts under MA General Law Chapter 40 Section 8d as the preservation planning arm of local government to identify, preserve and develop Greenfield's historic assets. The Historical Commission also reviews projects within the Main Street and East Main Street federally designated historic districts.

Conservation Agent **Department of Planning and Development** **772-1551**

The Conservation Agent serves as the “day-today” contact and liaison between and applicant and the Conservation Commission, helping applicants understand the application forms and procedures when needing to go before the Conservation Commission.

Conservation Commission - The Conservation Commission issues permits for work in wetlands, floodplains, rivers, and wetland buffer zones under the Massachusetts Wetlands Protection Act, Massachusetts Rivers Protection Act and Greenfield’s Wetlands Protection Ordinance.

Inspections/Enforcement Center **772-1404**

The Inspection/Enforcement Center coordinates the processing of permits and inspections for the Health Department, Inspector of Buildings, Wiring Inspector and Plumbing/Gas Inspector.

Director of Public Health **Board of Health** **772-1404**

The Director of Public Health issues permits under local and state health and sanitary codes to include permits for septic system installation, private wells, food service establishments, retail food establishments, temporary food establishments, tanning salons, burials, public swimming pools, recreational camps for children, hotel/motels, bathing beaches, body art establishments and practitioners, beaver removal.

Building Department **Inspections/Enforcement Center** **772-1404**

The Building Department issues building permits, serves as the Zoning Enforcement Officer, reviews site plans for small scale development projects and reviews all projects for compliance

with the Greenfield Zoning Ordinance; the Massachusetts Building Code; and federal and state handicapped access standards. Sign permits are also approved through the Building Department.

Plumbing/Gas Inspector Inspections/Enforcement Center 772-1404

The Plumbing/Gas Inspector is responsible for the issuance of both plumbing and gas permits. All work must be conducted by a Contractor that is licensed with the Commonwealth of Massachusetts. The Inspector conducts inspections on permitted by request of the Contractor.

Wiring Inspector Inspections/Enforcement Center 772-1404

The Wiring Inspector is responsible for the issuance of electrical permits, including low voltage and communication lines. All work must be conducted by a Contractor that is licensed with the Commonwealth of Massachusetts. The Inspector conducts inspections on permitted work by request of the Contractor.

Department of Public Works Engineering Division 772-1528

The DPW reviews applications and advises Town boards on engineering and site design matters such as stormwater management, roadway design, traffic, water/sewer and other utilities. The DPW issues permits for access permits, ladder, staging and crane permits, excavation, water and sewer connections, and stormwater connections.

Fire Chief Fire Department 774-4737

The Fire Department reviews all site plans and issues permits for storage of flammable materials, blasting, cooking (grills and burn pits), oil burner installations, above ground tanks, fire sprinkler installation reviews, dumpsters over six yards, underground storage tanks, storage of hazardous materials, brush burning, fireworks, oxygen acetylene (cutting and welding), fire alarm systems, smoke and CO certificate with property transfers.

Board of License Commissioners Mayors Office 772-1580

The Board of License Commissioners issues licenses for liquor, Common Victualler's (food service), Innholders/B&Bs, entertainment, automatic game machines, anything that will be placed on or over public ways (i.e. chairs, signs, awnings, etc), motor vehicle dealers, junk yards, transient businesses (i.e. ice cream trucks, sidewalk vending, etc), fortune tellers, taxi/livery, pawn brokers, auctioneers, solicitation (i.e. door-to-door sales), junk dealers & collectors (sales or storage of used goods, scraps for recycling, etc), boarding/lodging houses, installation or removal of flammable storage tanks, soil/gravel removal, changes to parking or traffic regulations.

III. DEVELOPING YOUR PROJECT PROPOSAL

Preliminary Research & Contacts

Before spending a large amount of time and money developing a project proposal, you should first contact the Permits Manager. The Permits Manager will be able to tell you if your project meets the Town's regulations, what permits are needed, and approximately how long the process will take. The feasibility of your project is largely based upon the Greenfield Zoning Ordinance, the Massachusetts Wetlands Protection Regulations and the Greenfield Wetlands Protection Ordinance. Therefore, it is recommended that you review these documents.

Overview of Development Permits

There are five major categories of development permits:

- 1. Zoning:** The Greenfield Zoning Ordinance indicates where particular uses are allowed and which development projects require site plan approval, special permits, variances, and/or Major Development Review.
- 2. Wetlands:** In accordance with the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40, and Greenfield's Wetlands Protection Ordinance, projects may require permits issued by the Conservation Commission to ensure protection of wetland resource areas.
- 3. Subdivision:** The Greenfield Subdivision Regulations in accordance with the Massachusetts Subdivision Control Law, MGL Chapter 41, Sections 81K-81GG, outline the necessary permits required for the dividing up of individual lots.
- 4. Building:** The Greenfield Zoning Ordinance indicates that prior to the construction or alteration of a structure, the Inspector of Buildings must issue a building permit.
- 5. Related:** Under local, state and federal laws, various licenses, permits and approvals related to the development project may be required.

1. Zoning:

The following is a breakdown of zoning within the Town of Greenfield:

General Zoning: Greenfield is divided into 11 zoning districts. The Zoning Ordinance provides detailed information pertaining to land uses along with dimensional and setback requirements within each district. In addition, it prescribes other requirements such as open space, parking and landscaping.

Floodplain District (Section 200-4.13): All land within the 100-year floodplain as shown on the Floodplain Insurance Rate Map (FIRM) and further defined by the Flood Profiles contained in the Flood Insurance Study must comply with the provisions of this section.

Water Supply Protection District (Section 200-4.14): Land located within Zones 1, 2 and 3 as shown on the "Aquifer Zone Delineations", the "Aquifer Zone Delineations Leary Well Site", and the Official Zoning Map must comply with the provisions of this section.

Corridor Overlay District (Section 200-4.16): Land within the French King Highway and High Street corridors as defined in the Corridor Overlay District Map must comply with the provisions of this section.

Planned Unit Development Overlay District (Section 200-4.17): Land within a PUD Overlay District can be developed as a single entity under the direction of a comprehensive site plan, in which a mixture of land uses, a variety of building types and designs, and open space are provided for in a coherent manner.

Adult Entertainment Overlay District (Section 200-7.13): Adult cabarets, adult motion picture theaters, and establishments which display live nudity for its patrons are only allowed within this overlay district.

Wireless Communications Facilities (Section 200-7.14): This section of the Zoning Ordinance regulates the development of telecommunications and wireless services in Greenfield. It strikes a balance between encouraging such facilities while minimizing the adverse impacts of these facilities on adjacent properties, residential neighborhoods, historic or scenic resources, and the environment. It minimizes the overall number and height of such facilities to what is necessary and promotes shared use of existing facilities in order to reduce the need for constructing new facilities.

Large-Scale Ground-Mounted Solar Photovoltaic Installations (Section 200-7.15): The purpose of this section of the Zoning Ordinance is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations within Greenfield.

Non-Commercial Scale Solar Energy Installations (Section 200-7.16): The purpose of this section of the Zoning Ordinance is to allow orderly development of non-commercial scale solar energy installations and facilities and to minimize the impacts on scenic, natural, and historic resources of the Town.

Medical Marijuana Dispensaries/Treatment Centers (Section 200-7.17): The purpose of this section of the Zoning Ordinance is to provide for the establishment of Medical Marijuana Dispensaries/Treatment Centers in appropriate places and under strict conditions, to minimize the adverse impacts of Medical Marijuana Dispensaries/Treatment Centers on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities, and to regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Dispensaries/Treatment Centers.

COURSE OF ACTION

Your project proposal will follow one of three courses of action as the first step in the permit process. They are as follows:

- **Grandfathered Uses:** A “grandfathered use” also called a legal non-conforming use, is a condition that occurs when, on the effective date of adoption of a zoning ordinance or

on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located. Such uses are allowed to continue to operate until such time as the use is discontinued and/or abandoned for a period of two (2) or more years. After the two-year time period, the use of the property must conform to all existing ordinances and regulations.

- **Allowed by Right:** If the project proposal meets all of the zoning requirements and does not need any special permits or variances, then the application may proceed to the next phase of the approval process.
- **Special Permits (Section 200-8.3):** Under the Zoning Ordinance, specific uses are allowed by special permit only. Under most circumstances the Special Permit Granting Authority (SPGA) is the Zoning Board of Appeals (ZBA), unless otherwise designated, in which case the Planning Board or the Board of License Commissioners will be the SPGA.
- **Variance to the Zoning Ordinance (Section 200-8.7):** The ZBA may grant a variance from the Greenfield Zoning Ordinance if it finds that:
 - a) a literal interpretation of the Ordinance would impose a substantial hardship, financial or otherwise;
 - b) the hardship is owing to circumstances relating to the soil conditions, shape or topography affecting the land or structure in a special way, but not the zoning district in general; and
 - c) relief may be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent and purpose of the Ordinance.

2. Wetlands Permits

Work in a resource area, within the 100-foot buffer zone of a resource area, or work within 200 feet of a perennial river or stream, as defined by the Massachusetts Wetlands Protection Act and the Rivers Protection Act, is regulated by the Conservation Commission. Many kinds of development are prohibited in such areas, and those that are allowed may require a permit called an Order of Conditions to protect wetland resource areas.

3. Subdivision Approval

If the project proposal involves dividing land into lots or parcels (either residential or commercial) and requires the construction of new streets, subdivision approval must be obtained from the Planning Board. If the project does not require new streets, then an endorsement from the Planning Board on an “Approval-Not-Required” (ANR) plan is required.

4. Building Permit

Before starting any construction and after obtaining all necessary permits, the Inspector of Buildings will issue a building permit. Final reviews of zoning, building and construction, and handicapped access for local and state compliance are conducted.

5. Related Permits

Components of the proposed project may require additional review and approval from other Town agencies such as:

Board of Health: This agency enforces the state and local health and environmental codes. Permits and certificates issued include those for septic systems, wells, restaurants and food retailers, and swimming pools.

Department of Public Works: All work within a public way owned by the Town, such as the installation of driveways or utility lines, requires a permit.

Fire Department: This department deals with underground storage tanks, blasting permits, dumpsters over 6 yards, brush burning permits, fireworks, and gasoline stations.

State and Federal Permits: Depending on the nature of the proposed project, permits from the State or Federal government may be required. Four of the most common are:

- Curb-cut permit from the Massachusetts Highway Department for work affecting a state highway;
- Permit from the U.S. Army Corps of Engineers for work affecting certain wetlands and waterways;
- Certificate of Compliance from the Massachusetts Executive Office of Environmental Affairs for filings under the Massachusetts Environmental Policy Act, and
- Storm water (General Construction) permit from the Environmental Protection Agency for work disturbing an acre or more of land.

5 TYPES OF DEVELOPMENT PERMITS

ZONING

WETLANDS

SUBDIVISION

BUILDING

RELATED

PLANNING BOARD

- Site Plan Review
- Special Permits

CONSERVATION COMMISSION

- Determination of Applicability
- Order of Conditions

PLANNING BOARD

- Approval Not Required (ANR Plans)
- Preliminary Plans
- Definitive Plans

BUILDING INSPECTOR

- Building Permit
- Occupancy Permit
- Demolition Permit

DEPARTMENT OF PUBLIC WORKS

- Access Permit
- Excavation Permit
- Sewer Permit
- Water Permit
- Ladder, Staging Permit

ZONING BOARD OF APPEALS

- Special Permits
- Variances

Electrical Inspector

Electric Permits

HEALTH DIRECTOR

- Title V (septic)
- Food Retailers
- Well Construction

BUILDING INSPECTOR

- Site Plan Review
- Signs (conforming)

Plumbing/Gas Inspector

Plumbing Permits
Gas Permits

FIRE DEPARTMENT

- Underground Storage Tanks
- Storage Facilities
- Lumber Yards
- Gasoline Stations
- Blasting

BOARD OF LICENSE COMMISSIONERS

- Motor Vehicle Sales
- Liquor Licenses
- Common Victualler
- Soil Removal
- Entertainment
- Outdoor seating & signs in public R.O.W.

STATE & FEDERAL

- Highway Permit
- 401 Water Quality Certification
- MEPA
- Storm Water Permit
- Forest Cutting Plan

IV. DETERMINING THE REQUIRED PERMITS for a DEVELOPMENT PROJECT

Depending upon the specific characteristics of the project and the site, such as use, location, scale and wetlands, a simple project may require only a building permit while a more complex project may require several different types of permits. It is important to check with the Permits Manager early in the design process to determine which permits will be required.

The following list of questions will be helpful to discuss with the Permits Manager to determine the types of permits required for a development proposal.

1. **Which sections of the Zoning Ordinance apply?**
 - a. In which zoning district is the project located?
 - b. Is the project allowed by right or does it require a special permit, variance or zoning change?
 - c. Is the project located within a special overlay district?
 - d. Does the project require site plan approval? If so, from which reviewing authority?
 - e. What dimensional, parking, landscaping, signage or other site design criteria apply to the project?

2. **Does the Wetlands Protection Act or Town of Greenfield's Wetlands Protection Ordinance apply?**
 - a. Is the project located in or within 100 feet of a stream bank, bordering vegetated wetland, land under water, stream or water body, or land subject to flooding?
 - b. Is the project located within 200 feet of any stream, river, creek or brook that runs year round?

3. **Do the Greenfield Subdivision Regulations apply?**
 - a. Are any new lots or roads being created?
 - b. Are any existing property boundaries being changed?

4. **Are there other uses of the site that may require related development permits?**
 - a. Is the project on Town sewer and water or will a septic system or well be needed?
 - b. Is the project located on a state highway or will it have access onto a state highway?
 - c. Will hazardous materials be stored or used on the site?
 - d. Will the property be logged?
 - e. Will the project trigger any of the Massachusetts Environmental Protection Act (MEPA) thresholds?
 - f. Is the project located within an Estimated or Priority Habitat of Rare Species?

V. THE PERMIT PROCESS

The following outline is a chronological step-by-step explanation of the permit process:

1. Contact the Permits Manager to schedule a preliminary consultation.
 - Identify local, state and federal permits that will be required.
 - If appropriate, meet with the Staff Technical Review Group to discuss details of the project.
 - Permits Manager will assist with the filing of applications.
2. Submit conservation permits to the Conservation Agent and zoning and subdivision applications to the Permits Manager for determination of completeness prior to submission to the Town Clerk for certification.
 - Completed application form.
 - Appropriate filing fee.
 - Appropriate number of copies of all plans and supporting documentation.
3. Attend public hearing or administrative review to present the proposed project.
 - Inspector of Buildings
 - Conservation Commission
 - Planning Board
 - Zoning Board of Appeals
4. A decision is made by the Conservation Commission, Planning Board, Zoning Board of Appeals and Inspector of Buildings on zoning, wetland, subdivision, and building permits.
5. If necessary, record permits at the Registry of Deeds after the specified appeal period.

Required for:

 - Special Permits and Variances
 - ANR's and Definitive Subdivision Plans
 - Orders of Conditions
6. Apply for all other development related permits, approvals and licenses.
 - Department of Public Works
 - Board of Health
 - Fire Department
 - Board of License Commissioners
 - State & Federal
7. Upon receiving all necessary permits, approvals and licenses, apply to the Building Inspector for a Building Permit. Building permit applications are not deemed complete unless they include building plans, a plot plan, and copies of permits.
8. Schedule the required inspections during construction.
 - Electric
 - Gas
 - Construction (including but not limited to, footing inspection, foundation inspection, rough inspection, insulation inspection, final inspection and special inspections)
 - Plumbing

- Elevators
- Wetlands

9. Upon completion of construction:

- Apply to the Conservation Commission for a Certificate of Compliance for projects involving wetlands.
- Apply to the Planning Board for a Certificate of Completion for subdivision roads and utilities.
- Apply to the Building Inspector for an Occupancy Permit.

VI. STAFF TECHNICAL REVIEW GROUP

Contact: Permits Manager

Purpose

The purpose of the Staff Technical Review Group is twofold. First, the group assists applicants and potential applicants through the Development Review and Permit process by:

- Identifying Town and State Regulations that apply to the project;
- Identifying site design issues that are of concern and discussion of potential solutions; and
- Identifying permits that will be required and the process for obtaining them.

Secondly, the group assists the Town's regulatory boards by coordinating internal departmental reviews.

The Staff Technical Review Group consists of the following Departments and Individuals:

Building & Inspections Department:	Inspector of Buildings
Department of Public Works (DPW):	Town Engineer
Fire Department:	Fire Prevention Officer
Health Department:	Director of Health
Planning & Development Department:	Permits Manager, Conservation Agent

The Staff Technical Review Group functions only as an advisory group to applicants and the Town's regulatory boards. All final decisions and conditions are the purview of the permit granting authority.

Review Process

Based upon the complexity of the proposed project, the Permits Manager or the Inspector of Buildings may recommend a meeting with the Staff Technical Review Group. This allows prospective applicants to discuss proposed developments and receive input prior to officially submitting permit applications. In an effort to make these meetings as productive as possible, it is highly recommended that a preliminary plan or conceptual plan be submitted at least two weeks prior to the scheduled meeting. This will enable Town staff to conduct a preliminary review. The more detail contained on the plan, the more productive and informative the meeting will be.

Upon completion of the meeting, the Permits Manager will prepare a summary report outlining the issues discussed and permits to be obtained. This report will be forwarded to the project proponent and to the regulatory boards that have jurisdiction over the project.

Projects to be Reviewed

In addition to preliminary review of development proposals, the group also reviews the following permit applications:

- Site Plan Approval
- Major Development Review
- Special Permits
- Access Permits
- Building Permits (for new residential and new & expanded commercial)
- Demolition Permits

VII. SITE PLAN APPROVAL

Contact: Permits Manager

Purpose

The purpose of Site Plan Review is to ensure that new development meets the requirements of the Zoning Ordinance and is designed in a manner that reasonably protects the safety, visual, environmental, and aesthetic qualities of the neighborhood and the Town.

Projects Requiring Site Plans

Single-family homes do not require site plan approval. Most other uses require site plans including the creation, expansion, substantial alteration, or change in use of:

1. All uses requiring a special permit;
2. Any business, commercial, industrial, or institutional use (except home occupations not requiring a special permit);
3. Any residential use of two (2) or more units including subdivisions;
4. Any site containing more than one (1) principal use.

Reviewing Authorities

Site plan review and approval authority varies based upon the type and scale of the project.

Inspector of Buildings: Approves all uses of less than 5,000 square feet of floor area. Maximum review period is 45 days. A public hearing is not required.

Planning Board: Approves all uses greater than 5,000 square feet of floor area and uses which require a special permit from the Planning Board. Maximum review period for site plan approval is 45 days. A public hearing is not required. Site plans for projects requiring a special permit are submitted and acted upon as part of the special permit application.

Zoning Board of Appeals: Approves all uses that require a special permit from the ZBA. The site plan is submitted and acted upon as part of the special permit application.

Review Process

When received, site plans are transmitted to various departments and boards for a 30-day inter-departmental review and comment period. Site plan approvals issued by the Inspector of Buildings and by the Planning Board for uses allowed by right, do not require a public hearing. When a use requires a special permit from the ZBA or the Planning Board a public hearing is required and the site plan is submitted and acted upon as part of the special permit application. A decision must be issued within 90 days of the close of the public hearing.

Filing Fees

All fees are to be paid by check made payable to the Town of Greenfield. The check shall be attached to a complete application and delivered to the Permits Manager located in the Department of Planning and Development. Expenses for notification of abutters, advertising of legal notices and recording of plans is the applicant's responsibility.

Inspector of Buildings	No fee
Planning Board	\$100.00

VIII. MAJOR DEVELOPMENT REVIEW

Contact: Permits Manager

Purpose

The purpose of Major Development Review (MDR) is to review large projects for significant impacts to the environment, abutting properties, Town services, traffic patterns, the economy of the Town, the character of the Town, and the public health, safety, and welfare of Town residents.

Projects requiring Major Development Review

1. All uses that generate one thousand (1000) vehicle trips per day or more in the General Commercial District, and/or five hundred (500) vehicle trips per day in any other district.
2. All uses that create fifty (50) or more dwelling units.
3. All subdivisions of land into fifty (50) or more lots.
4. All non-residential uses of one hundred thousand (100,000) square feet of gross floor area or more in the Planned Industry District and fifteen thousand (15,000) square feet or more of gross floor area in the Central Commercial and Limited Commercial Districts, and forty thousand (40,000) square feet or more of gross floor area in all other districts.
5. Any expansion of an existing use in which the expansion combined with the existing use meets or exceeds the above thresholds, and the expansion exceeds twenty percent (20%) of the existing:
 - Vehicle trips per day, or
 - Dwelling units, or
 - Building lots, or
 - Gross floor area or 20,000 square feet whichever is more.

Reviewing Authorities

Projects requiring Major Development Review require a special permit and site plan approval under the Greenfield Zoning Ordinance. The special permit granting authority (SPGA) is as follows:

1. For all uses which require a special permit under other sections of the Zoning Ordinance, the SPGA for major developments will be the same as the SPGA already designated; either the Planning Board or the ZBA.
2. For all other uses that are permitted by right and meet the above MDR thresholds, the SPGA will be the Planning Board.

Review Process

The Major Development Review process requires a special permit. Applications shall be determined complete by the Permits Manager, submitted to the Town Clerk for certification and then forwarded to the appropriate SPGA. Site plans are transmitted for a 30-day inter-departmental review and comment period. Impact Statements addressing traffic, municipal services, environmental, community and fiscal impacts are required as set forth in the Rules and Regulations for Impact Statements. A public hearing must be held within 65 days of receipt and a decision must be issued within 90 days of the close of the public hearing.

Filing Fees

All filing fees are to be paid by check made payable to the Town of Greenfield. The check shall be attached to a complete application and delivered to the Permits Manager. Expenses for

notification of abutters, advertising of legal notices and recording of plans are the applicant's responsibility. The application fee for Major Development Review is \$500.00.

IX. SIGN PERMITS

Contact: **Inspector of Buildings**
 Permits Manager

Purpose

The purpose of sign regulations is to preserve the value of property by ensuring the compatibility of signs with surrounding land uses. All signs require a permit before being installed. It is recommended that the Inspector of Buildings or Permits Manager be contacted prior to designing a sign to ensure that it meets the requirements of the Zoning Ordinance.

Reviewing Authorities

All signs require approval from the Inspector of Buildings or the Zoning Board of Appeals.

Inspector of Buildings: Reviews and approves proposed signs that conform to the sign regulations in the Zoning Ordinance. Approves sign permit applications for non-conforming signs after they receive ZBA approval. Issues permission for temporary sign permits.

Zoning Board of Appeals: Reviews and approves proposed signs that do not conform to the sign regulations. A special permit may be granted for an exception to the sign regulations provided that the Board determines the sign will promote the public interest and that the size, number, height, location, and design of the sign(s) will not be detrimental to the neighborhood. Off-premises signs also require a special permit.

*Please note, even if a sign is approved by the Zoning Board of Appeals, a sign permit must still be submitted and approved by the Inspector of Buildings.

Review Process

All signs require a sign permit approved by the Inspector of Buildings. Special permit applications to the ZBA require a public hearing within 65 days of filing and a decision must be issued within 90 days of the close of the public hearing. If a special permit is granted by the ZBA for an exception to the sign regulations, the next step is to apply for a sign permit from the Building Inspector's Office.

Filing Fees

All filing fees are to be paid by check made payable to the Town of Greenfield. The check shall be attached to a complete application. Applications for conforming signs are to be filed with the Inspector of Buildings. Special Permit applications shall be determined complete by the Permits Manager prior to submitting to the Town Clerk for certification. Expenses for the notification of abutters, advertising of legal notices and recording of the plans are the applicant's responsibility.

Department of Inspections and Enforcement.

1 – 25 sq. ft.	\$40.00
26 – 50 sq. ft.	\$50.00
Above 50 sq. ft.	\$50.00 plus \$1.00 per sq. ft. over 50

Zoning Board of Appeals:	\$150.00 plus the cost of certified mailings to all abutters within 300' of the property on which the sign will be located.
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X. SPECIAL PERMITS

Contact: Permits Manager

Purpose

The purpose of special permits is to ensure that the proposed use or structure will not adversely impact adjacent properties, the neighborhood, the Town, or the environment and that the project meets the requirements of the Zoning Ordinance.

Special Permit Granting Authority (SPGA)

Three (3) Town boards issue special permits under the Zoning Ordinance. Each SPGA has their own “Rules and Regulations” governing filing and submittal requirements for applications. Application packets may be obtained at the Department of Planning and Development.

The following is a list of special permits issued by each SPGA:

<u>Zoning Board of Appeals (ZBA)</u>	<u>Zoning Ordinance Section</u>
Uses allowed only by Special Permit	200-4.1-4.14
Floodplain District Uses	200-4.13
Corridor Overlay District	200-4.16
Planned Unit Development Overlay District	200-4.17
Reduced Dimensional Requirements	200-5.3.E
Expansion of Non-conforming Use	200-6.1
Accessory Scientific Research & Development	200-6.2.A
Home Occupations	200-6.3
Sign Exceptions	200-6.7
Multi-Family Housing	200-7.2
Bed & Breakfast/Tourist Home	200-7.5
Congregate Housing for the Elderly & Handicapped	200-7.6
Commercial Campgrounds	200-7.9
Mixed Residential/Business Uses	200-7.10
Major Development Review	200-7.12
Adult Entertainment	200-7.13
Wireless Communications Facilities	200-7.14
Large-Scale Ground-Mounted Solar Photovoltaic Installations	200-7.15
Non-Commercial Scale Solar Energy Installations	200-7.16
Medical Marijuana Dispensaries/Treatment Centers	200-7.17
<u>Planning Board</u>	
Water Supply Protection District Uses	200-4.14
Corridor Overlay District	200-4.16
Planned Unit Development Overlay District	200-4.17
Construction on Slopes of 15% or greater	200-6.8.C(8)(e)
Driveways over Side or Rear Lot Line	200-6.11.C(3)
Common Driveways	200-6.11.D
Open Space/Cluster Developments (for multi-family only)	200-7.1
Flag Lots	200-7.8
Major Development Review	200-7.12
<u>Board of License Commissioners</u>	
Unregistered Motor Vehicles	200-6.10

Review Process

Applications shall be determined complete by the Permits Manager, submitted to the Town Clerk for certification and then forwarded to the appropriate SPGA. Special permits are transmitted for a 30-day inter-departmental review and comment period. A public hearing must be held within 65 days of filing and a decision must be issued within 90 days of the close of the public hearing.

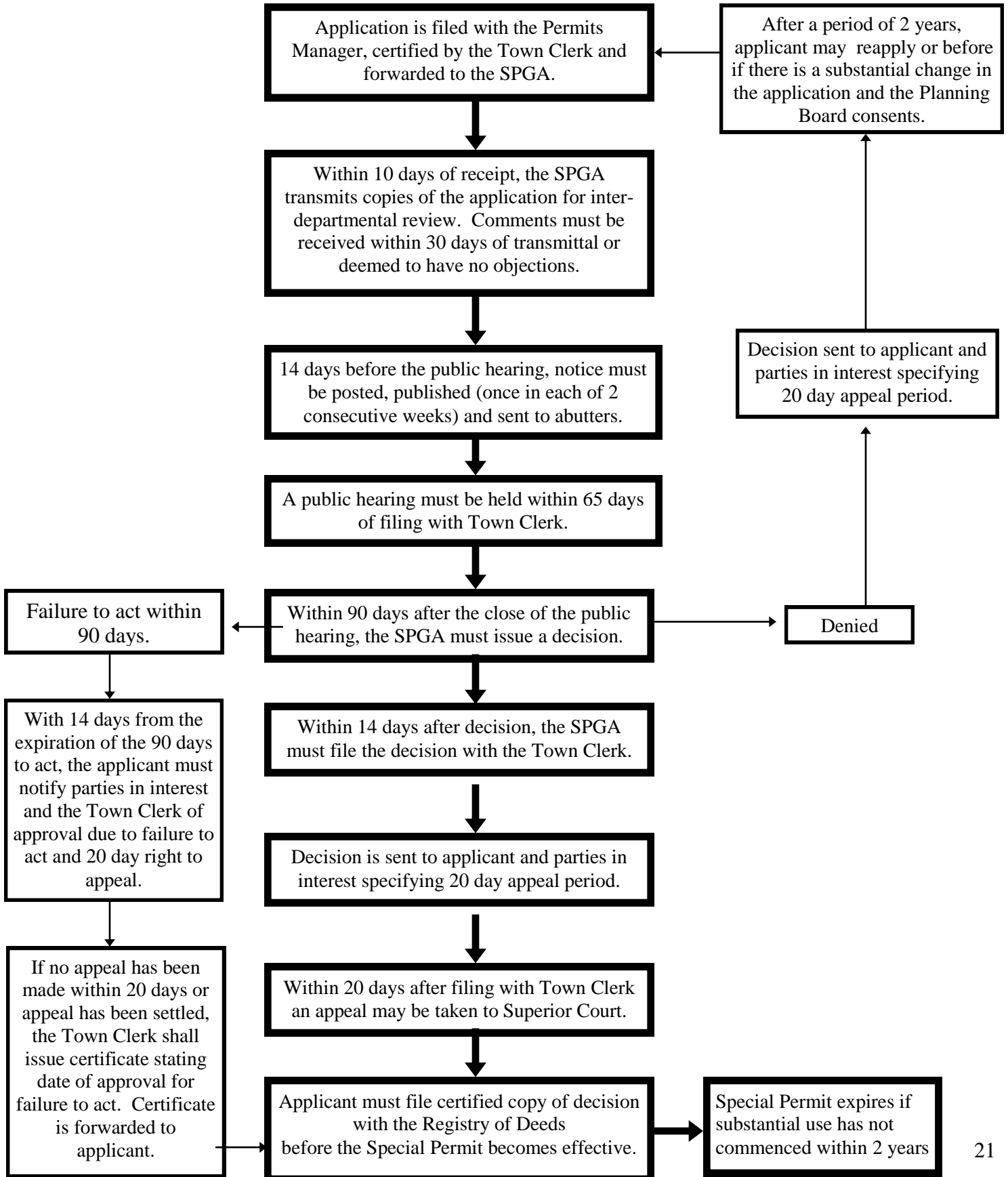
Filing Fees

All filing fees are to be paid by check made payable to the Town of Greenfield. The check shall be attached to a complete application and delivered to the Permits Manager. Expenses for notification of abutters, advertising of legal notices and recording of plans are the applicant's responsibility.

Planning Board:	\$150.00 plus notification of all abutters within 300' by certified mail
Zoning Board of Appeals:	\$150.00 plus notification of all abutters within 300' by certified mail
Board of License Commissioners:	No Fee

SPECIAL PERMIT PROCESS

Special Permit Granting Authority (SPGA) may be the Planning Board,
Zoning Board of Appeals or Board of License Commissioners



XI. VARIANCES

Contact: Permits Manager

Purpose

The Zoning Board of Appeals (ZBA) hears and decides petitions for dimensional variances under the Zoning Ordinance for land or structures that do not meet the requirements of the Zoning Ordinance. A dimensional variance applies to zoning requirements such as lot area, lot frontage, open space, building height and property line setbacks.

Criteria for Approval

In order to grant a variance, the Zoning Board of Appeals must make all three of the following findings required by the State Zoning Act (M.G.L. Chapter 40A):

- A literal enforcement of the Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant;
- The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures but not affecting generally the zoning district in which it is located;
- Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Greenfield Zoning Ordinance.

Review Process

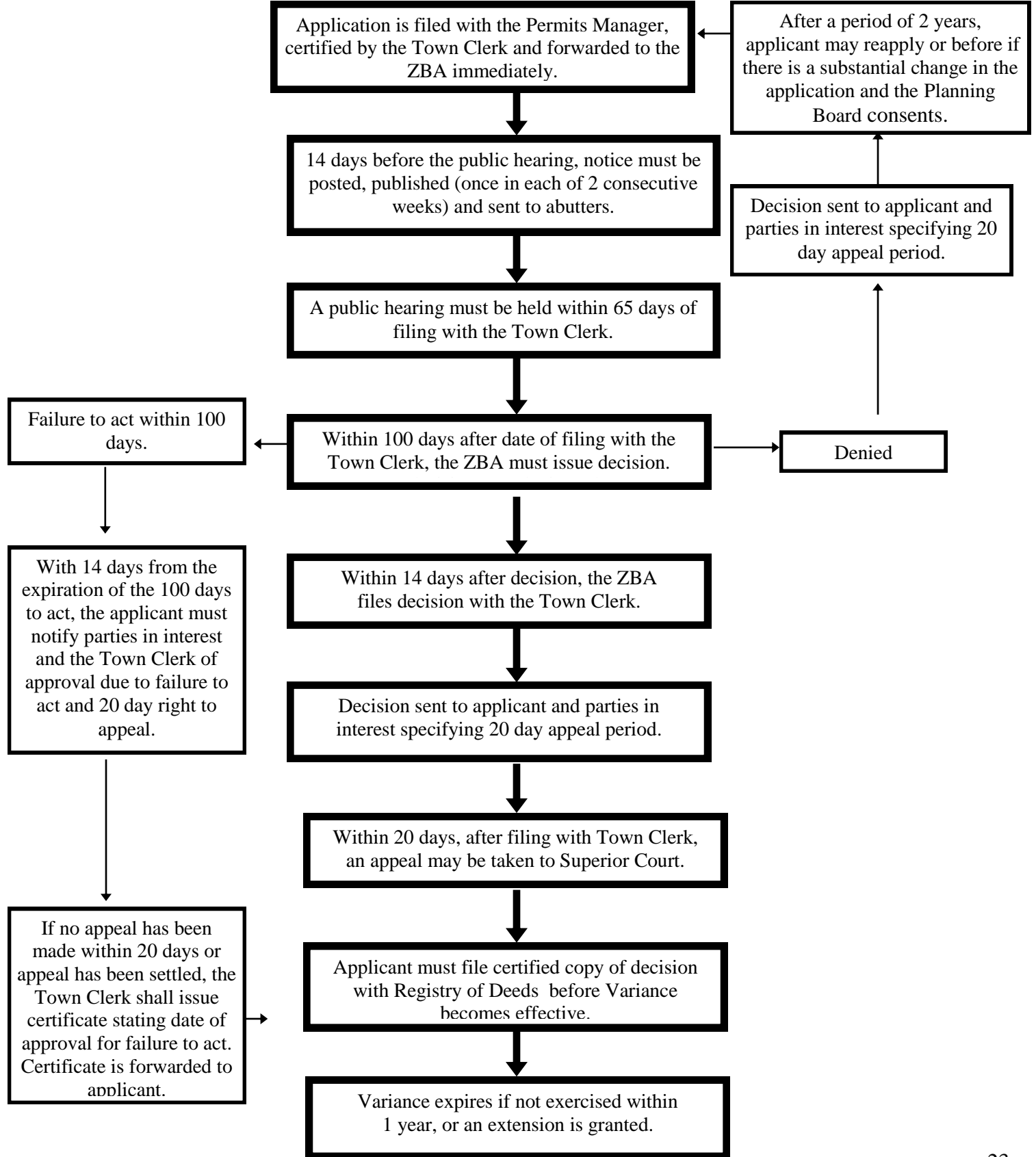
Applications shall be determined complete by the Permits Manager prior to submitting to the Town Clerk for certification and then forwarded to the ZBA. Variance applications are transmitted for a 30-day inter-departmental review and comment period. Variances require a public hearing within 65 days of receipt, and a decision within 100 days of filing with the Town Clerk.

The ZBA may impose conditions, safeguards and limitations of time and use, if it decides to grant the variance. The ZBA is under no legal obligation to grant the variance, and in absolutely no circumstances can a variance be granted to allow a prohibited use.

Filing Fees

All filing fees are to be paid by check made payable to the Town of Greenfield. The check shall be attached to a complete application and delivered to the Permits Manager. Expenses for notification of abutters, advertising of legal notices and recording of plans are the applicant's responsibility. The filing fee for a variance is \$150.00 plus notification of all abutters within 300' by certified mail.

VARIANCE PROCESS
Zoning Board of Appeals



XII. MASSACHUSETTS WETLANDS PROTECTION ACT (MWPA) AND TOWN OF GREENFIELD'S WETLANDS PROTECTION ORDINANCE

Contact: **Conservation Agent**

Reviewing Authority

The Greenfield Conservation Commission is responsible for administering the Massachusetts Wetlands Protection Act. The MWPA includes provisions of the Massachusetts Rivers Protection Act. The regulations governing both of these acts are included in the Wetlands Protection Act Regulations 310 CMR 10.00. The Conservation Commission is also responsible for administering the Town of Greenfield's Wetlands Protection Ordinance (Chapter 195). Proposed projects are reviewed based upon the proximity to a resource area and the ability to minimize potential impacts.

Projects Requiring Approval

Any proposed activity or project, that will "remove, fill, dredge, or alter" a wetland resource area, the 200-foot riverfront protection area, or the 100-foot buffer zone associated with a wetland resource area must obtain a permit from the Conservation Commission. The term "alter" includes but is not limited to any development, construction, destruction of vegetation, any change in drainage characteristics or flow patterns, and any change in the groundwater. A wetland resource area includes any stream, river, creek, pond, lake, and the banks associated with them, any meadows, marshes, swamps, bogs, any land under water, land subject to flooding, and any riverfront area.

Applications and Permits

Request for Determination of Applicability (RDA): This application requests the Conservation Commission to determine if the proposed work or property is subject to the MWPA and/or the Town of Greenfield's Wetlands Protection Ordinance. For simple projects, the Commission may also determine if the work can be done in a manner that will not negatively impact the resource area. In response to an RDA, the Commission may issue one of the following decisions:

- a) Positive Determination - the proposed work or property is subject to the MWPA and/or Town of Greenfield's Wetlands Protection Bylaw and requires the filing of a Notice of Intent.
- b) Negative Determination - proposed work is not subject to the MWPA or the Town of Greenfield's Wetlands Protection Bylaw.
- c) Negative Determination with Conditions - proposed work is within the 100-foot buffer zone and will not adversely impact the resource area if simple precautions are taken.

Notice of Intent (NOI): This application provides the Conservation Commission with a detailed description of the proposed work that is located in a resource area, riverfront area or buffer zone that may impact a nearby wetland resource area. In response to an NOI, the Commission may issue an Order of Conditions permitting the proposed work with conditions consistent with the standards in the Wetlands Protection Act Regulations and the Town of Greenfield's Wetlands Protection Ordinance, which prevent significant adverse impacts to a wetland resource area, or deny the project because it cannot be performed in a manner that prevents negative impacts to a wetland resource area.

Review Process

Request for Determination of Applicability: Within 21 days of receipt, the Commission will conduct a site visit and make a decision at a public meeting that has been advertised in a local newspaper at least 5 days prior to the meeting.

Notice of Intent: Within 21 days of receipt, the Conservation Commission will conduct a site visit and hold a public hearing that has been advertised in a local newspaper at least 5 days prior to the meeting. The applicant is responsible for notifying all abutters within 100 feet of the subject property prior to application. Within 21 days of the public hearing, the Commission will issue an Order of Conditions approving or denying the request.

Filing Fees

All fees are to be paid by check made payable to the Town of Greenfield and to the Commonwealth of Massachusetts as required. Expenses for notification of abutters, advertising of legal notices and recording of permits shall be the responsibility of the applicant.

Request for Determination:
Notice of Intent:

No filing fee.
Notice of Intent:

Filing fee is based upon project type. Refer to Wetlands Filing Fee Calculation Worksheet. Half of the total filing fee (50%) over \$25.00 is paid to the State with the remaining portion being paid to the Town of Greenfield.

WETLANDS PROTECTION APPROVAL PROCESS
Conservation Commission

Applicant submits Request for Determination of Applicability (RDA -Form 1) to the Conservation Commission. Applicant may proceed directly to a Notice of Intent (NOI) without filing an RDA.

Within 21 days of receipt, Commission conducts a site visit and issues a decision (Form 2) at a public meeting.

Determination of Applicability
10 Day Appeal Period

Negative Determination
with Conditions

Positive Determination

Negative Determination

Work may begin in accordance with all conditions.

Applicant submits Notice of Intent (Form 3) and filing fees to Commission.

Work is not subject to the Wetlands Protection Regulations or Town of Greenfield's Wetlands Protection Ordinance. Work may begin.

DEP submits comments and application is deemed complete.

Within 21 days of receipt of DEP comments, Commission holds a public hearing. Applicant is responsible for advertising and notice to abutters.

Within 21 days after close of public hearing, Commission issues Order of Conditions (OOC).

Within 10 days of issuing Order of Conditions an appeal may be filed with DEP.

Work may begin after:
10 day appeal period has expired
OOC has been recorded at the Registry of Deeds and verified
Commission has been notified 3 days prior.

Applicant requests a Certificate of Compliance (Form 8A) when all work and conditions are complete.

XIII. SUBDIVISION APPROVAL

Contact: Permits Manager

Purpose

The Planning Board under the Greenfield Subdivision Regulations must approve any division of land into two or more lots. All plans showing the creation of new lots must be endorsed by the Planning Board before they can be recorded in the Registry of Deeds. Plans stamped by a registered land surveyor certifying that no new lots or changes in existing boundaries are shown on the plan may be recorded without Planning Board endorsement.

There are two types of subdivisions:

- 1) Approval Not Required; and
- 2) Plans Requiring Subdivision Approval.

Approval Not Required Plans (ANR's)

ANR plans show the creation of lots with frontage on existing roads. The Planning Board must determine if there is adequate frontage, as required by the Greenfield Zoning Ordinance, and adequate access. Frontage must be on one of the following types of roads:

- a public way or a way which the Town Clerk certifies is maintained and used as a public way,
- a way shown on a subdivision plan which has been previously approved and endorsed by the Planning Board, or
- a way which was in existence when the Subdivision Control Law took effect in Greenfield and which the Planning Board has determined is suitable for the proposed use of the lots.

Endorsement of an ANR plan does not certify that the lots shown on the plan qualify as building lots under the Zoning Ordinance. This determination is made by the Inspector of Buildings and the Permits Manager. Planning Board endorsement only indicates that the plan shows a division of land that does not require approval under the Subdivision Control Law and the Greenfield Subdivision Regulations.

Review Process and Submittal Requirements

Plans shall be determined complete by the Permits Manager, submitted to the Town Clerk and forwarded to the Planning Board. The Planning Board has 21 days to review the plan at a regularly scheduled meeting and issue a decision. A complete submittal includes 2 copies of the completed application (Form A), appropriate filing fee, 5 blueprints and 1 mylar.

Filing Fees

All fees are to be paid by check made payable to the Town of Greenfield in the amount of \$25.00 per lot. The fee for plans that reconfigure lots but do not create any new lots is \$25.00. Dividing one lot into two lots would be \$50.00.

Plans Requiring Subdivision Approval

Plans that show a division of land into 2 or more lots with frontage on a proposed new road requires subdivision approval. There is a two step review process of subdivision plans: 1) Preliminary Plans; and 2) Definitive Plans.

Preliminary Plans

The preliminary plan serves as a conceptual design. It includes the proposed street layout, lot boundaries, drainage system and topography. Preliminary Plans are required for all non-residential subdivisions and optional for residential subdivisions. However, it is recommended that a preliminary plan be submitted for all subdivisions. A preliminary plan cannot be recorded with the Registry of Deeds.

Definitive Plans

A definitive plan is the final design plan complete with engineering specifications. This plan must be prepared by a registered Land Surveyor or Civil Engineer. The plan must contain information regarding width and length of every street, lot lines, topography, centerline profiles of streets, layout and design of sewerage, storm drainage, water supply and wetland resource areas as defined by the Massachusetts Wetlands Protection Act.

Review Process and Submittal Requirements

Preliminary Plans: Applications shall be determined complete by the Permits Manager, submitted to the Town Clerk for certification and then forwarded to the Planning Board and to the Board of Health. The Planning Board and Board of Health must review, issue a decision and notify the Town Clerk and the applicant within 45 days of submission. If the plan is denied, a detailed report shall be provided. A complete submittal includes twelve (12) copies of the plan, one copy reduced to 11" x 17", a Form B, Application for Approval of a Preliminary Plan, and a certified check made payable to the "Town of Greenfield". The cost of a preliminary plan is seventy-five dollars (\$75) per lot plus a hundred dollar (\$100) application fee. One plan is retained by the Town Clerk and the remaining copies are used for inter-departmental review.

Definitive Plans: Applications shall be determined complete by the Permits Manager, submitted to the Town Clerk for certification and then forwarded to the Planning Board and to the Board of Health. The Board of Health must, within 45 days of filing with the Town Clerk, report to the Planning Board in writing, approving or disapproving the plan. A public hearing is required prior to approval by the Planning Board. The time period for issuing a decision on a definitive plan is 90 days if a preliminary plan was submitted and 135 days if no preliminary plan was submitted. Definitive plans must also meet the requirements for site plan approval under the Greenfield Zoning Ordinance. A complete submittal includes the following:

- (a) A properly completed application form, Form C, Application for Approval of a Definitive Plan;
- (b) The cost of a definitive plan is one hundred dollars (\$100) per lot plus a five hundred dollar (\$500) application fee if a preliminary plan is approved or two hundred dollars (\$200) per lot plus a one thousand, two hundred and fifty dollar (\$1,250) application fee if no preliminary plan is submitted. The applicant is responsible for paying all advertising costs;
- (c) Twelve (12) copies of the definitive plan and road profiles, dark line on white background, one copy reduced to 11" x 17";
- (d) A list of all landowners abutting the land shown on the subdivision plan as appearing on the most recent tax list. The list shall be typewritten and in label format.

Administrative fees (nonrefundable).

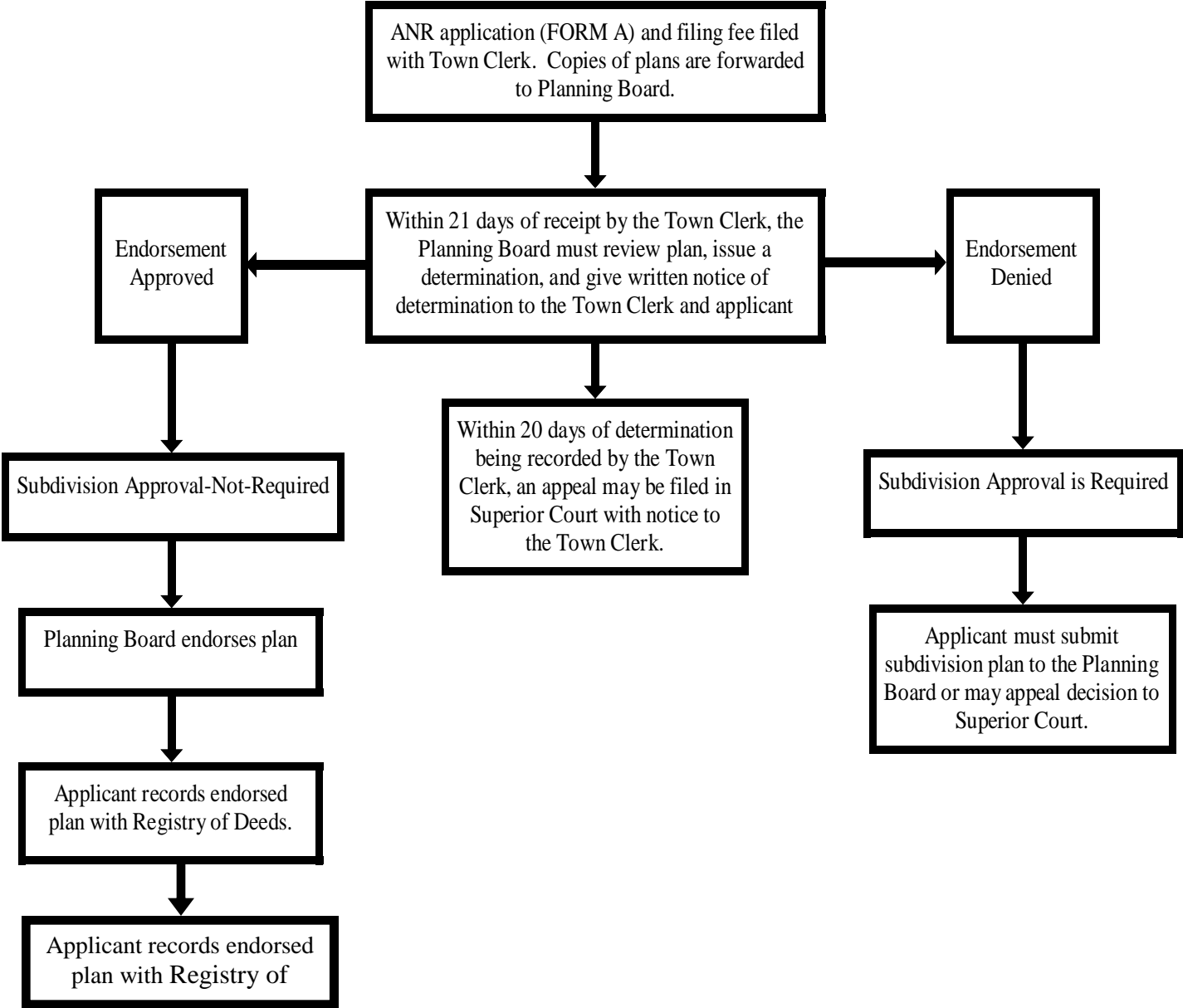
All fees are to be paid by check made payable to the Town of Greenfield. All expenses for notification of abutters, advertising of legal notices and recording of plans shall be the responsibility of the applicant. The following fees are to be charged to the applicant for the various reviews listed in the following schedule:

Subdivision Control	
Endorsement by Planning Board (ANR, Form A)	\$25.00 per lot*
Preliminary Plan (Form B)	\$100.00 application fee and \$75.00 per lot
Definitive Plan (Form C)	\$500.00 application fee and \$100.00 per lot if preliminary plan approved; \$1,250.00 application fee and \$200.00 per lot if no preliminary plan submitted
Amendment/Revision to a Definitive Plan	\$250.00/submission
Inspection Fee	0.5% of total cost of improvements

\$100.00 per hour for a maximum of 2 hours to cover extra time spent by Town Departments beyond 5 hours for either preliminary or final plan review

NOTES: * The fee for approval not required plans which reconfigure existing lots but do not create any additional new lots shall be twenty-five dollars (\$25).

APPROVAL NOT REQUIRED PLAN (ANR)
Planning Board



SUBDIVISION APPROVAL PROCESS

Planning Board

PRELIMINARY PLAN

DEFINITIVE PLAN

Preliminary plan and filing fee filed with Town Clerk and forwarded to the Planning Board. Copy of plan is forwarded to the Board of Health.

Definitive Plan and filing fee filed with Town Clerk and forwarded to the Planning Board. Copy of plan is forwarded to the Board of Health.

Within 45 days of submission, reviewing authorities must notify Town Clerk and applicant of approval with or without modifications or disapproval and the reasons therefore.

Within 45 days of receipt, the Board of Health shall issue a written report to the Planning Board and applicant of approval with or without modifications or disapproval.

Definitive plan must be submitted within 7 months to preserve zoning and subdivision exemptions.

The Planning Board must hold a public hearing, but not until receipt of report from Board of Health or the lapse of 45 days.

Notice must be posted, published and sent to abutters at least 14 days in advance.

Failure to act within required time frame.

Planning Board must issue and file a decision with the Town Clerk and send notice to the applicant within 135 days or within 90 days if a Preliminary Plan was submitted.

Within 20 days of filing decision with Town Clerk, an appeal may be filed in Superior Court with notice to the Town Clerk.

After the 20 day appeal period has expired, the Town Clerk must issue a certificate stating that approval has been granted due to failure to act within the required time.

After the 20 day appeal period has expired and prior to final endorsement by the Planning Board, a performance guarantee must be provided and a time frame for construction of ways and municipal services decided upon.

Town Clerk certifies that no appeal was made or granted. Planning Board endorses plan and sends it to the applicant.

Town Clerk issues certificate and sends it to the applicant.

Within 6 months of endorsement or certificate, applicant must file plan with Registry of Deeds.

XIV. BUILDING PERMITS

Contact: Department of Inspections and Enforcement

Purpose

The purpose of a building permit is to ensure that new development is constructed in accordance with required zoning, wetlands, subdivision and related permits, and is in compliance with the Massachusetts State Building Code.

Projects Requiring a Building Permit

All structures, other than fences 6 feet or less in height, require a building permit. A structure is anything constructed or erected which requires location on the ground or is attached to something on the ground. Projects requiring a building permit are grouped into two categories; projects that require Site Plan Approval, and projects that do not require Site Plan Approval.

Site Plan Approval Required

The creation, expansion, substantial alteration, or change in use of the following uses require Site Plan Approval:

- All uses requiring a special permit;
- Any business, commercial, industrial, or institutional use (except home occupations not requiring a special permit);
- Any residential use of two (2) or more units including subdivisions;
- Any site containing more than one (1) principal use.

Site Plan Approval Not Required

- One unit residential projects;
- All accessory structures (i.e. garages, sheds, decks);
- All swimming pools;
- All signs (i.e. free standing, wall mounted);
- Wood stoves/chimneys;
- Temporary tents;
- Canopies and Awnings.

Review Process

A Building Permit Application is submitted to the Inspector of Buildings. When all zoning, wetlands and subdivision permits are obtained, a building permit may be issued. The maximum review period is 30 days and a public hearing is not required.

Filing Fees

All fees are to be paid by check made payable to the Town of Greenfield. Filing fees shall be in accordance with the fee schedule as adopted by the Town Council and available in the Inspections Department and Town Clerks Office. Checks shall be attached to a complete Building Permit Application and delivered to the Inspections Department located at 20 Sanderson Street.

XV. RELATED PERMITS

Most projects will require other permits related to the project but not issued under Zoning, Wetlands or Subdivision laws. These permits are called "Related Permits". Related permits may be Town, state or federal. The following is a summary of the most common related permits.

TOWN

Department of Public Works

Access Permit	New or altered driveways on any Town road requires the filing and approval of an Application for a Curb Cut in compliance with the DPW's New Driveway Apron Standards. An Excavation/Trench Permit must be obtained prior to beginning work.
Excavation/Trench Permit	Required for all subsurface work within the Town of Greenfield including public and private property and within a public right-of-way. The purpose of this permit is to identify all existing subsurface utilities prior to beginning work.
Sewer Permit	Required for all construction, alteration, or disruption of any new or existing residential or non-residential connection to any public sanitary sewer. All permit applications shall comply with the Town of Greenfield Sewer Use Regulations governing the use of public and private sewers and drains; the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system.
Water Permit	Required for all construction, alteration, or disruption of any new or existing residential or non-residential connection to any public water main. All permit applications shall comply with the Town of Greenfield Water Use Regulations.
Stormwater Permit	Required for any new construction or renovation of an existing property that introduces a new discharge or increases the volume currently discharged to any public way, stormwater system or appurtenance thereof.

Inspector of Buildings

Demolition Permit	Required prior to any proposed demolition work to an existing structure.
Building Permit	Required prior to any proposed residential or non-residential construction and associated activities and after receiving Site Plan Approval. Applications shall be made on the official Application for License to Erect a Structure.
Occupancy Permit	Required prior to any residential or non-residential structure being occupied. The Building Inspector will verify that all permits and conditions have been obtained and complied with prior to issuance.

Inspections Department

During construction the following utility and safety inspections shall be scheduled as required:

- Electric – required prior to any electrical work; residential or non-residential
- Gas – required prior to any work; residential or non-residential
- Construction
- Plumbing – required prior to any plumbing work; residential or non-residential
- Elevators

Board of Health / Director of Health

Title V Required for any construction of a new septic system or alteration of an existing septic system.

Food Retailers Permit Required for any new business that prepares and sells food on site.

Well Construction Required for any construction of a new well or the destruction of an existing well Permit

Fire Department

Permits, licenses and approvals are governed under local bylaws and under MGL Chapter 148 and CMR 5127 for such uses as storage of hazardous materials/flammables, lumberyards, gasoline stations, and above and underground storage tanks.

Board of License Commissioners

Motor Vehicle License Required for the operation of a business to sell new or used cars.

Soil Removal License Required for all activities associated with stripping, removing, or conveying away of any soil, loam or gravel from any land in Greenfield not in public use except when in conjunction with the development, improvement or landscaping of land.

Common Victualler Required for all restaurants and food service establishments that provide sit down License service.

STATE

Access Permit Required by the MassDOT, District 2 for new or altered driveways on any State roadway.

MEPA Massachusetts Environmental Policy Act (MEPA) requires the submission of an Environmental Notification Form (ENF) and Environmental Impact Report (EIR) for “works, projects and activities” undertaken, funded or requiring a permit from state agencies if the project exceeds specified thresholds.

401 Water Quality Certification	Required by the Massachusetts Department of Environmental Protection for any project that will alter over 5,000 square feet of wetlands and/or the dredging of more than 100 cubic yards of Land Under Water as defined in the Massachusetts Wetlands Protection Act.
Forest Cutting Permit	The Massachusetts Forest Cutting Act (MGL Chapter 132) requires landowners to file a Forest Cutting Plan with the Department of Environmental Management for the harvesting of forest products that exceeds specified thresholds.
Massachusetts Endangered Species Act (MESA)	Requires filing with the Natural Heritage and Endangered Species Program (NHESP) if a project falls within Priority Habitat of Rare Species, as shown on the Massachusetts Natural Heritage Atlas, and does not meet the MESA filing exemptions.

FEDERAL

Section 404 of the Federal Clean Water Act	Required by the Army Corps of Engineers (Corps) for work affecting the “course, location, condition or capacity” of navigable rivers and tidal areas.
Storm Water (General Construction) Permit	Construction activities (including other land disturbing activities) that disturb one acre or more of land are regulated under the National Pollutant Discharge Elimination System (NPDES) and require a permit from the Environmental Protection Agency.

XVI. ZONING APPEALS

Contact: Permits Manager

Authority

Zoning decisions may be appealed to either the Zoning Board of Appeals or to the Franklin County Superior Court depending upon the type of permit or decision being appealed.

Appeals to the Zoning Board of Appeals (ZBA)

The following decisions may be appealed to the ZBA:

1. Decisions by the Building Inspector or the inability to obtain a permit or enforcement action from the Building Inspector under the Zoning Ordinance.
2. Decision on a site plan by the Inspector of Buildings or the Planning Board.

Who has the Right to Appeal?

1. Any person aggrieved for any of the above reasons.
2. The Franklin Regional Council of Governments.
3. Any person including any officer or board of the Town of Greenfield or of any abutting town, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official in violation of any provision of MGL c. 40A or Greenfield's Zoning Ordinance.

Appeal Process

Appeals to the ZBA must be made within 30 days from the date of the order or decision that is being appealed. Appeals must follow the procedure required in Section 15 of the Zoning Act, MGL Chapter 40A. The filing fee for appeals to the ZBA is \$150.00 plus notification of all abutters within 300' by certified mail.

Appeals to Franklin County Superior Court

The following decisions may be appealed to the Superior Court:

1. Special permit decisions by the Zoning Board of Appeals, Planning Board or any board authorized to grant a special permit under the Zoning Ordinance or the failure of the board to act within the required time periods.
2. Any decision on an appeal or a variance brought to the Zoning Board of Appeals or the ZBA's failure to act on an appeal or variance within the required time period.

Who has the Right to Appeal?

1. Any person aggrieved by a decision of the ZBA, Planning Board or any Special Permit Granting Authority whether or not previously a party to the proceeding.
2. Any municipal officer or board.

Appeal Process

Appeals to Superior Court must be filed within 20 days after the decision by the ZBA or the Special Permit Granting Authority has been filed with the Town Clerk. If an appeal is being made because a permit has been automatically granted due to the failure of the ZBA or the Special Permit Granting Authority to act within the required time periods, the appeal must be filed within 20 days after the Town Clerk has received written notice from the applicant that the permit has been automatically granted because of the Board's failure to act. Appeals must follow the procedure required in Section 17 of the Zoning Act, MGL Chapter 40A.

ZONING APPEALS PROCESS

Zoning Board of Appeals

Notice of Appeal filed with Town Clerk. Applicant forwards copy of notice of appeal to the ZBA and the Officer or Board whose decision is being appealed. Appeal must be made within 30 days of decision being appealed

14 days before the public hearing, notice must be posted, published (once in each of 2 consecutive weeks) and sent to abutters.

A public hearing must be held within 65 days of filing with the Town Clerk.

Failure to act within 100 days.

Within 100 days after date of filing with the Town Clerk, ZBA must issue decision. Failure to act in time is deemed an approval.

Within 14 days from the expiration of the 100 days to act, applicant must notify parties in interest and the Town Clerk of

Within 14 days after decision, ZBA files decision with Town Clerk.

ZBA sends decision to applicant and parties in interest, specifying 20 day appeal period.

Denied

ZBA sends decision to applicant and parties in interest, specifying 20 day appeal period.

If no appeal has been made within 20 days or the appeal has been settled, the Town Clerk shall issue certificate stating date of approval

Within 20 days after filing with Town Clerk, an appeal may be taken to Superior Court.

XVII. ZONING CHANGES

Contact: Permits Manager

Who may initiate a Zoning Change?

- Town Council
- Zoning Board of Appeals
- Planning Board
- A landowner to be affected by a zoning change
- Franklin Regional Council of Governments
- A citizen petition signed by at least 10 registered voters as outlined in Section 7-7 of the Greenfield Home Rule Charter.

Review Process and Submittal Requirements

Requests for changes to the Zoning Ordinance or Zoning Map must comply with the procedures required in the Zoning Act, MGL Chapter 40A, Section 5, the Town Charter, and the regulations adopted by the Town for processing zoning amendments. A petition for a zoning change is submitted to the Town Council, who refers the petition to the Planning Board for a public hearing. The Planning Board submits a report on the petition to the Town Council within 21 days. The Town Council Economic Development Committee holds a public hearing and makes a recommendation to the full Council. The zoning change requires a two-thirds vote of the full Town Council for approval. The Council must vote on a zoning change petition within 90 days of the Town Council's public hearing. Zoning Ordinance amendments adopted by the Town Council are effective on the date of approval.

A petition for a zoning change must include a completed petition form, a property map indicating the lots to be included in the zone change and a completed site plan application if the request is to permit a new use of the property.

Filing Fees and Expenses

All zoning change petitions shall be filed with the Town Council. A copy of the petition, indicating the date and time of the filing, shall be forwarded to the Planning Board and the Town Council. The filing fee for a zoning change petition is \$100.00. Expenses for the Planning Board and Town Council public hearings are the petitioner's responsibility.

All other costs and reasonable expenses incurred by the Town in connection with the review and processing of zone change requests shall be the responsibility of the applicant. Such costs may include but are not limited to staff time, consultant and attorney's fees, research, data collection, tests, borings, and informational meetings.

PROCESS for ADOPTION & AMENDMENT of ZONING ORDINANCE and ZONING MAP

